

OBSERVATIONS
ON THE
GOVERNMENT AND LAWS
OF THE
UNITED STATES
OF
AMERICA,
TRANSLATED FROM THE FRENCH
OF THE
ABBÉ DE MABLY,
WITH A PREFACE
BY THE
TRANSLATOR.

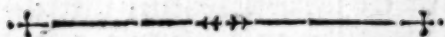
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T R A N S L A T O R ' S

P R E F A C E.



To a benevolent and philosophical mind, there cannot be a more noble and interesting object, than civil government, when considered with respect to the design of Providence in its appointment. It is intended to promote, not only the temporal security, comfort, and happiness of man in his social capacity; but also his improvement in knowledge and virtue, as an intelligent and moral agent. Its restraints are designed to check and discourage every malignant passion, and its whole aim is to add to the strength, to increase the activity, and to enlarge the sphere, of every generous and benevolent affection.

But when, with this view of the liberal and beneficent intentions of providence, the moralist compares the several governments actually established, the pleasing scene is at once overspread with clouds, and the gloom of despondence succeeds the

sunshine of hope. Here he beholds governors, under various pretences, infringing the rights, pillaging the substance, and insulting the feelings of the people: he sees that, instead of enlarging, they contract the social affections; that they reduce patriotism to a spirit of party, and philanthropy to nationality; that, instead of extirpating the malignant passions, they enlist them in their service, and call them into action, in order to promote their selfish and iniquitous views: in short, he finds that every form of government, as it is actually administered, is, in some degree, founded in usurpation, supported by prejudice, and exercised in oppression.

It is a common and trite observation that man, when he enters into civil society, must necessarily sacrifice some of his natural rights, to obtain the secure possession of the rest; and, as government cannot be carried on without expence, it is but equitable that every individual, in return for the protection afforded him, should contribute a part of his substance to its support.

But the truth is, man does not necessarily relinquish any of his natural rights,

when he enters into civil society; because he is naturally a social being, and therefore the moral laws of nature, as well as of revelation, impose upon him all those restraints, that are absolutely requisite to the welfare of the community, which, in his several relations, they enjoin him to promote. To secure the observance of these laws, civil government adds the sanction of certain and immediate punishment upon their violation. From accidental circumstances, particular laws may become expedient; but the only obligations, additional to those above mentioned, which are necessarily incurred upon entering into civil society; arise from those regulations, that relate to the provision to be made by individuals, for the support of government.

But as every positive law, which is not absolutely necessary to the welfare of the community, is an infringement of natural right, and therefore, in some degree, arbitrary and tyrannical; so whatever tax is raised more than is absolutely necessary for the support of the constitution, by whatever authority it may be exacted, or by what ever artful plea vindicated, is in

reality unjust in itself, and destructive to happiness in its effects.

The liberal and humane philosopher, the honest benevolence of whose heart is not corrupted by the crooked politics of princes and their ministers, will feel it overflow with compassion, on surveying the miserable lot of mankind, who are the resistless victims of the ambition and rapacity of a few, by whose iniquitous perversion, the beneficent intention of Providence to promote virtue and happiness, is, in many instances, rendered subservient to the encouragement of vice, and the production of misery. But what indignation must arise in his bosom, when he hears that these oppressors consider it as a favour that they allow their fellow creatures to be plundered by none except themselves, and call upon them to be grateful for that protection, in return for which, above half their substance is extorted from them!

Government, attended with these circumstances, is absolutely an evil: and what government is there actually established, that is not attended with all these? Where is the government, in which the

lives of thousands, the happiness of millions, and the property of all, are not wantonly and unfeelingly sacrificed to carry on wars, in which deluded nations are involved, not in support of civil or religious liberty, not to repel invasion from their borders, but to gratify the vain ambition, and insatiable rapacity of their governors? Nor is this the worst. Expenses, however imprudently, or wickedly induced, when once incurred, must necessarily be paid. But where is the government in which the people are not extravagantly taxed, merely to gratify the vanity, the luxury, or the avarice of their rulers? Nay, is not much of what is thus iniquitously extorted, employed to destroy the happiness of those from whom it is torn? Is not a great part of the public wealth, in every country, perverted to the unworthy purposes of spreading corruption, of diminishing public spirit, and of undermining the virtue and happiness, by securing the servility of those, whose protection from all oppression was the pretence under which it was raised?

But though government attended with these unhappy circumstances be an absolute evil; it is an evil necessary to be

endured in order to avoid a greater; for even the worst of governments is, upon the whole, productive of less misery than anarchy. So unmanageable are the passions of mankind, that even when excited in the cause of virtue, though they may at first act consistently with justice, they will soon transgress the limits of moderation, and become, like a torrent, resistless in their course, and destructive in their effects. Hence where governments are already established, though an abhorrence of servility, a manly spirit of freedom, and a warm zeal for the happiness of mankind, can never be too much encouraged; yet many defects must be tolerated, and much oppression suffered, before it can be advisable either to alter the mode, or to depose the instruments of government. From the prejudices of the weak, the fears of the timid, and the rapacity of the corrupt, even the worst and most tyrannical governors will always find a strong party on their side; a revolution is not obtained without much bloodshed, neither can future oppression be prevented, nor liberty be secured to the people without more precautions, than it is probable will be taken amidst the tumultuous scenes of civil commotion. But should the opposing

party fail of success, they will inevitably be sacrificed as the victims of their ill fortune; and, what is still more deplorable, their generous designs are injured even by their attempt, for an ineffectual resistance not only irritates the passions, but augments the power of malignant and tyrannical governors. Here therefore the friend of mankind must be satisfied with lamenting an evil, of which the removal is so exceedingly uncertain, and the remedy so very dangerous.

But the Americans,

"*O fortunatos nimium, sua si bona norint*"! are indulged by Providence with a favorable concurrence of circumstances not to be paralleled in the history of mankind. They are descended from that nation, with whom, as a sacred deposit, all that was left of liberty seems to have been entrusted, by whom it has been repeatedly wrested from the grasp of tyrants, and transmitted, though not uninjured, to the present times. They live in an age of advanced civilization, in which the political as well as religious prejudices of darker ages are dispelled by the lights of a pure and liberal philosophy; and in which the rights of mankind are fully understood and ably vindicated. They are blessed with an

opportunity of deliberately forming a constitution of government upon the principles of liberty and humanity, in which the natural equality of mankind, together with their civil and religious rights shall be respected; in which freedom shall, as far as possible, be guarded from the extravagances of licentiousness, as well as from the encroachments of oppression. Such appears to be their design; and what heart is there so unhumanised by national prejudices, or rather by the rancour of a party, not to wish them success? Of such, could they alone suffer, slavery were deservedly the portion.

To a people thus circumstanced, the speculations of a philosophical politician may be of service; and though some of his principles should be deemed erroneous; yet to the judicious reader, he may discover some beneficial truths, suggest many useful precautions, and afford much advantageous information.

Such may be the benefits derived from the present publication, in which there are many excellent observations, and much knowledge of the human heart. There are indeed some sentiments, which, to

those who have been long accustomed to think freely on political and religious subjects, will probably appear strange; but in judging of these, let a candid allowance be made for the circumstances of nation and religion. Let it be remembered that a frenchman writing upon liberty, if not shackled by the prejudices, is awed by the terrors of absolute monarchy; and that a member of the Romish communion, if he would preserve any appearance of consistency, must be too much incumbered with the claims of his church, to consider toleration in any other light than as a matter of political convenience. The man to whom civil and religious liberty are remote objects, and who has surveyed them only at a distance, may sincerely admire their charms, and wish to extend their empire; but he cannot be supposed to have so perfect an acquaintance with their features, or so exalted a sense of their excellence, as those by whom they have long been intimately known, and freely enjoyed.

From these circumstances alone, can we account for the very low degree of estimation, in which our ingenious author seems to hold the people. He may not

perhaps have long resided, and been personally conversant with nations,

*“ Where e’en the peasant boasts his rights to scan,
“ And learns to venerate himself as man”*;

and judges of the people of America from the populace of an absolute monarchy. Nor will it be supposed that they can have any great sense of their dignity as men, or possess those qualities, which are necessary rightly to value, and vigilantly to protect their freedom, who have been taught to tremble before a military subaltern, and to look up to the meanest dependents on a Court, or the lowest claimants of nobility, as if they were beings of a superior order. He seems to forget what he had himself observed, that the Americans were “ the children of a free
“ people”; and that “ the form of govern-
“ ment, to which, from their infancy,
“ they had been accustomed, enabled the
“ people to enter into the arguments of
“ those men of superior merit, who, by
“ their knowledge, their prudence, and
“ their fortitude, have been the authors
“ of their happy revolution”!

The basis of every free government is a democracy, nor can any be called free

except in proportion as they partake of this form. But a democracy, however perfect in theory has its disadvantages when carried into practice, and in obviating these, without destroying what, though connected with them, is excellent in itself, consists the wisdom of legislation. In this mode of government, the principal inconvenience will arise from the number to be consulted, and the forms necessary to be observed; which will render deliberation tedious, and action tardy: hence government will want promptitude. Another inconvenience may proceed from the various, perhaps inconsistent and contrary, sentiments of those who succeed each other, either in the legislative, or executive branch; and hence government may be deficient in stability of principle, and unity of design. In order to obviate these, our author seems to incline towards an aristocracy. But by this, the first of these inconveniences would not be removed; for an aristocracy, if it be at all limited, is as tedious and formal in its proceedings as a democracy; and the other inconvenience will be much better obviated by means of rotation, like that established in the executive council of Pennsylvania.

Our author's observations on the progress of commerce, wealth, and luxury are judicious, and founded on a thorough knowledge of the human heart. It is possible that, notwithstanding all the wise precautions of the American legislators, their republics, from an influx of money, and consequent relaxation of manners, may degenerate into aristocracies. But this a form of government, which, when unrestrained by something of monarchical power, is more unfriendly to liberty, and more galling to a free spirit than monarchy itself. The tyranny of a prince is comparatively of small extent; but that of an aristocracy comes home to the bosoms of all; and the most valuable part of the community, those in the middling ranks are treated with contempt and arrogance by a class of men, who have no other mode of displaying their usurped superiority, than by a troublesome and insolent exertion of power, against which, as they are at once judge and party, no redress can be obtained. In a monarchy, oppression, however diffused in its course, flows from a single person, whose character may be humane and amiable, and who may have inclination equal to his power, to rectify those abuses, and give redress.

those complaints, which are laid before him; but in an aristocracy, the sources of oppression are innumera- bly multiplied and dispersed; from their equality of power, the injuries committed by one cannot be redressed by another; and their connections with the sufferers in the common intercourse of life renders their selfish passions and interests concerned in the dispute. When oppressed by a monarch, the mind finds some consolation in reflecting upon the exalted rank in which the prejudices of the world have placed him, which, by removing him beyond the personal reach of the injured, furnishes them with an excuse for patiently submitting; but to be unable to resist the tyranny, and to punish the insults of those, with whom we are nearly upon a level, and engage in the common transactions of social life, to whom neither the customs nor the prejudices of mankind have allotted a superiority, are circumstances, of all others, the most galling to a liberal mind.

The same degeneracy of principle, and corruption of manners, that would transform a democracy into an aristocrati- cal government, would, in a little time, produce a further change, and render this

aristocracy absolute and tyrannical ; the consequence of this would be, that the despots, if they feared the resentment of the people, would connect themselves with some foreign potentate, to whom they would betray the interests of their country, for the sake of establishing their own authority. Should the people, after an ineffectual attempt to resist, be compelled to submit to this, they must expect to suffer all that the cruel revenge of dastardly tyranny can prompt ; which would be inflicted with more unrelenting severity, because the despots would act in a body, and as such would unfeelingly commit enormities, at the idea of which, as individuals, they would start back with horror. To oppose this with success, the people must be headed by some man of superior character, who must in a very high degree possess the talents of a general, as well as of a statesman, in whom they must repose unlimited confidence, who must have influence to unite, and power to direct all their efforts. But where, in such extremities, shall the people find the moderation and public spirit together with the abilities of a Washington ? Is there not infinitely more probability of such a leader's, acting the part of a

Commonwealth, and usurping the power, if not the title, of an absolute monarch?

If human wisdom can insure the duration of the only form of government which is consistent with the dignity of human nature, the American constitutions bid fair to be lasting; nor can any thing, except an excessive partiality to the ancients, prevent our discerning their infinite superiority to the boasted republics of Sparta and Rome. The constitutions of these were, in many respects, unjust and immoral, the latter was remarkably deficient in its principles of internal union; and both tended to produce a ferocious and contracted patriotism, little better than the spirit of union that connects a band of robbers, who, though they may talk of fidelity and honour among themselves, are the plunderers and murderers of all beyond the pale of their community.

But if any alteration should be necessary in the constitutions of the united States, in order to give greater stability to the government, to prevent encroachments on public liberty, or to remedy inconveniences incident to a democracy, that certainly ought to be avoided which would

incline the republic to the very side on which it is in the greatest danger of losing its freedom. It is possible that some few additional regulations, arising from local, and other accidental circumstances, might be made with advantage; but of the exact propriety of these it is impossible for any to judge, who are not immediately on the spot: and the principles of these constitutions are so obviously excellent, that every one who understands the nature, and loves the enjoyment of liberty, will acknowledge them to surpass every thing the world has hitherto seen,

The Abbé's observations on religion will not be much relished by those, who consider toleration as founded, not in political convenience, but in the inalienable right, which every man has, of enquiring after moral and religious truth, of believing and propagating what appears to him as such, and of worshipping the Deity in the manner most conformable to the dictates of his conscience. Such will scarcely be disposed to join with our author in his wish that, in order to prevent religious controversies, "each church, after having explained its

doctrines and discipline in a catechism, should be restrained from making any alteration in it, under pretence of expressing its truths with greater perspicuity, or of arranging them in more regular order. It is easy to see that this prohibition would be far from answering the end proposed, either in a political or moral view. Those who have in this particular extended to the operations of the human mind will discern, that restraints of this nature would not extinguish a spirit of controversy; they would only contract the channel in which it acts, and thereby render its impulse more violent. But why should we wish to extinguish this spirit? When religious controversy is carried on without bigotry and illiberality, so far from being prejudicial, it is really advantageous to mankind; it promotes learning, sharpens the judgment, and increases the vigour of all the intellectual faculties. Nor is any thing more likely to destroy bigotry and illiberality, than a free and rational intercourse between persons of several different opinions; whereas the restraints here proposed, would tend to keep bigotry and superstition alive, and be an effectual bar to all improvement in religious knowledge. Though it be true, that the object of all

religions, as they relate to society, is the same; and that the sincerely good of all persuasions are acceptable to the Deity, who will pardon involuntary errors; yet it is by no means consistent with this sincerity, for rational beings to profess religious opinions, merely because they have once adopted them, though riper judgment should discern them to be erroneous.

It may be suspected that the worthy Abbé is rather too much attached to his own ideas, opinions and prejudices, when he expresses a wish to suspend the liberty of the press, till congress had published a moral and political catechism, in order to prevent the pernicious consequences of "the philosophical ideas, opinions and prejudices of England". In all restraints of this nature, as it is very difficult to draw the line, and almost impossible to prevent it from being transgressed; a free people can never be too vigilant to guard against their being imposed under any pretence whatever. Religious is so intimately connected with civil liberty, and the freedom of the press with both, that they must all stand or fall together.

But why is the Abbé so particularly averse

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the philosophical ideas, opinions, and
 prejudices of England? Is this not rather
 inconsistent with that liberality which our
 ingenious Author professes, and with the
 cause which he pretends to maintain? Of all
 the countries of Europe, England and
 Holland are those in which sentiments fa-
 vourable to liberty are the most general;
 nor, if we except the Swiss, is there any
 other, in which they can be said to be
 general. Amidst all those resentments
 which civil wars unhappily excite, the sen-
 sible and candid among the Americans will
 acknowledge that the principles maintained
 by the whigs in England, are those upon
 which their constitutions are founded.
 They will recollect, that their ancestors
 were English, who, with the rest of their
 countrymen, have often struggled in de-
 fence of their common freedom. They
 will remember, that to their having once
 been English, and to the principles which,
 as such, they imbibed, they owe their
 revolution. However grateful to the
 French for that assistance, to which they
 are indebted for their independence, they
 cannot be blind to their political mo-
 tives; nor will they be deceived into a be-
 lief, that the government of France was
 actuated by a disinterested regard to that

liberty, of which it is so careful to deprive its own subjects. They will reflect that had they been the colonies of another kingdom, they would probably have been too ignorant to know and to value their natural rights, or too servile to assert and defend them. In this case, instead of being free and independent states, they would, in all likelihood, have bowed their necks beneath a yoke much more oppressive than that of England; and would have been the abject slaves of an absolute monarch.

There is one circumstance in the American constitutions, which our author justly reprehends and which appears inconsistent with the manly and liberal principles upon which they are founded. This is that the clergy of the several persuasions are, not only excluded from all civil offices, but also deprived of the right of voting in elections. To confer any distinct privilege on them, as clergy, would be impolitic; but to deprive them, in any respect, of their rights as men, is unjust. This is also an injury to the community, as there are many civil offices, for which, from their liberal education and general knowledge, they are better qualified than the majority of their fellow citizens. If the reason

alledged for this be a fear of the intri-
 guing spirit of churchmen; it may obser-
 ve, that of this there can be little dan-
 ger, where there is no national established
 church, and consequently, where the
 clergy are not sufficiently connected, to
 be of any importance as a body distinct
 from the laity. But surely the best way
 to prevent the influence of any such spi-
 rit, is to remove all civil distinctions be-
 tween them and others; for then, having
 exactly the same rights and privileges with
 their fellow citizens, their political views
 and interests would be the same; whereas
 they are distinguished, either by the
 allowance of peculiar privileges, or an
 exclusion from rights enjoyed by the rest
 of their countrymen, a separate interest
 is, in fact, held up to their view; they
 are tempted to unite in pursuit of it; and
 a spirit of intrigue is excited among them,
 similar to what would prevail among men
 of any other profession, who found them-
 selves thus distinguished from the rest of
 mankind.

In these observations I have treated my
 author with a freedom, which I hope will
 not be construed as illiberal. The liberty and
 happiness of mankind in general are sub-

jects so extensive and important, that the zeal they inspire ought to annihilate every little national partiality and aversion. Honour the abilities of the Abbé de Mably, and am happy to see them employed in a subject, in which the rights of mankind are so greatly concerned; but it is the duty of every friend to these, to point out those prejudices, into which an attachment to any particular system is apt to lead even the most liberal minds.



OBSERVATIONS
ON THE
GOVERNMENT AND LAWS
OF THE
UNITED STATES
OF
AMERICA.

LETTER I.

TO JOHN ADAMS, Esq. Minister Plenipotentiary
from the United States, in Holland, and for
the Negotiation of a general Peace.



General and preliminary observations.

S I R!

I have examined, with all the attention in my
power, the several constitutions of Government,
on which the United States of America have
been employed; and, in compliance with your desire, I

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shall do myself the honour of submitting to your inspection the observations I have made, in hope of your kind assistance towards my forming a right judgment concerning them.

While almost all the nations of Europe are ignorant of the fundamental principles of society and consider citizens in no other light than as the live stock of a farm, to be managed solely with a view to the interest of the proprietor, they are at once astonished and instructed on beholding that your Republics, conscious of the real dignity of man, derive from the sources of the most liberal philosophy, those humane principles, according to which they determine to be governed.

It is happy for you, that the Kings of England, when they granted to your ancestors those charters upon which your Colonies were established, suffered themselves to be guided solely by their passions and prejudices. They had no view except those of ambition and avarice. While they got rid of a number of citizens, who were a restraint upon them, they beheld new provinces arising, which were to increase the majesty of the British Empire. They flattered themselves with the prospect of opening, to the commerce of the mother country, new sources of wealth and they wished to promote your prosperity, in order to derive greater advantages from it than yourselves. Had those Princes been sufficiently acquainted with the destructive policy of Machi-

to your ruin, to give laws favourable to their own ambition, your ruin would have been inevitable. But their ignorance was your security. They followed the tenor of the English constitution, and established among your ancestors, laws and maxims of government, which, by reminding you that you were the children of a free people, called upon you to consult your common interests. Long had you been sacrificed to the interest of the mother country, and you considered this sacrifice as a just tribute, paid for the protection she afforded, and of which you stood in need. After the last war, in which the French lost all their possessions on your continent, you perceived that your masters were weakened, even by their own conquests; you began to be sensible of your own strength; while the court of London, blind to the alteration which had taken place both in your interests, and in its own, wanted to increase the weight of a yoke already too oppressive. Yet even then the hope of more favourable events, and of the establishment of independent sovereignty began to dawn upon you.

By listening to no suggestions except those of avarice and ambition in their dealings with you, the British Ministry compelled you to recollect that you had once been English; and the form of Government, to which from your infancy you had been accustomed, enabled the people to enter into the arguments of those men of superior merit, who by their knowledge, their prudence, and

their fortitude, have been the authors of your
 happy revolution. „ If England, they argued,
 „ assumed the right of proscribing the House of
 „ Stuart, in order to raise that of Hanover to the
 „ throne; what should prevent us from shaking
 „ off the yoke of George III. whose ministry,
 „ more severe and inflexible than James II.,
 „ most cruelly abuses our generosity and zeal. (The
 United States of America have behaved with much
 greater magnanimity than the united Provinces of
 the Netherlands. Instead of begging a master, as
 they did, from every quarter, your views were
 bent solely upon erecting among your selves a
 throne sacred to Liberty: in all your constitutions,
 you have recourse to the principles of nature; you
 have established this as an axiom, that all civil
 authority is derived from the people; that they
 alone have the unalienable right of making laws;
 and of abrogating or modifying them, when ever
 they either discover past error, or aspire to greater
 good. You have just ideas of the dignity of
 Man, and, by considering Magistrates in no
 other view than as the stewards of the community,
 you have closely united, and strongly attached
 all your citizens to each other and to the public
 interest, by the active sentiments of the love of
 their country and of liberty: may these sentiments
 be not merely the effect of a transient enthusiasm;
 but may they long subsist among you! May they
 influence all your deliberations, and give increasing
 stability to your federal republic!

It is a very advantageous circumstance for the Americans, that the thirteen States have not extended their rights, their independence, and their liberties, by forming a single republic, which would have established common laws, and acknowledged common magistrates. Had this been the conduct of the colonies, it would have indicated a certain suspicion and diffidence of themselves, that would have had an ominous appearance, and have marked a total ignorance of what constitutes the true power of society. Throughout that vast extent of country which you possess, how could the empire of the laws have been secured? Would not the springs of government necessarily have been relaxed, in proportion as they were remote from their center of motion? How could its vigilance be every where equally extended, either to prevent, or to remove abuses? As the necessary consequences of this, you would soon have found your courage abated, your manners degenerated, the love of liberty supplanted by licentiousness, and you would speedily have had a republic feeble and languishing, or else agitated by seditions that would have dismembered it. The contrary resolution which the colonies have taken to constitute a federal republic, while it preserves to each its independence, gives the laws all the authority that is necessary to render them respected; and the Magistrate may be every where present. This you have experienced during the seven years of the war rashly carried on by the English in order to subdue you: an emulation subsisted among the

United States, that inspired in all the same courage, and the same prudence. United by the tie of the continental Congress, none of your Provinces abated in their zeal for the common cause, but all yielded each other mutual assistance.

I hope that this original sentiment of union and concord, with which you first rose into being, may strike deep root, and flourish in your hearts; that time, and the experience of the felicity you will enjoy may convince you that you cannot be happy at each others expence. One inestimable advantage to be expected from your confederacy is that it will preserve you from that wretched ambition, which leads nations to consider their neighbours as their enemies. Tranquil under the protection of the continental Congress, and full of confidence in each other, jealousy, envy and hatred will be banished from among you; and you will afford to America a spectacle similar to what the Swiss present to Europe, of which she has not sufficient wisdom to know the value.

The continental Congress, that new Amphictyonic Council, but constituted under happier auspices than that of ancient Greece, will be the common center in which every private interest will be blended together, and form one that will be general and invariable. The Delegates from the several States to this august assembly, will there necessarily acquire more extensive and social views, which, on their return, they will com-

cate to their fellow citizens. May all those provinces, that are bounded by determinate limits, as Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware and Maryland, be united only under that one inconvenience, which is an honour to nations, I mean that happy abundance of citizens, which, while it is the best eulogium of government, is sometimes also an emolument to it. May these States, renew the glory, once afforded by ancient Greece, whose happy colonies established a country in every part. I hope that, instead of perverting to an abuse the multitude of their citizens, by endeavouring to make conquests, they will send them to those of your provinces, the lands of which want cultivation, and which have no bounds, except those of the continent itself. These emigrants will strengthen the ties of your common union and interests.

I take a pleasure in reminding you, Sir, of whatever may contribute to the happiness of America. You acquired your independence before you were acquainted with ambition, and you certainly will not imitate those nations of Europe, that have depopulated and weakened themselves, by establishing their colonies by force of arms. You are too well versed in the rights of Man, and of nations, to suffer cruel errors, the effects of fiefs and of chivalry, to mislead you, as they have misled the Spaniards, the Portuguese, the English and the French. I observe, with satisfaction.

that you are at present in much happier circumstances, than even those ancient republics, for whose wisdom and virtue we entertain the greatest veneration; and that with less difficulty, you can impress on your establishments a character of stability, which renders the laws more beloved and respected.

You well know, Sir, that the ancient republics were in a manner inclosed within the walls of a single city, and possessed a very limited territory. All the citizens might easily repair to the public deliberations; and those numerous assemblies, in which was vested the legislative authority, and from which none could appeal, were exposed to the convulsive tumults of passion, infatuation, and enthusiasm, which often overturned all public order. Amidst these irregularities, the laws obtained not authority sufficient to determine the character of the citizens; and the republic was often indebted for safety merely to fortune, or to some great man, who arose to the assistance of the people, and took advantage of their consternation, to prevent the further abuse of their power.

Among the Americans, on the contrary, the multitude will be less bold, less imperious, and consequently less inconstant; because the extensive territory of each republic, and the number of its citizens, will not permit them all to be assembled at one time, and in one place. You have adopted the modern method of dividing the country

cantons or districts, each of which deliberates
its own interests separately, nominates, and
delegates its power to such citizens, as it judges
worthy to be its representatives in the legi-
slative assembly of the republic. Hence it will be
easier to preserve regularity and order amongst
them. The number of Representatives will never
be so great as to degrade their assembly into a
tumultuous mob. They will stand in awe of the
public opinion; they will be conscious that they
must render an account of their conduct to their
constituents. Should they err, their errors can
produce only a temporary evil, because their
commission is limited to a year; nay, they will
serve to enlighten their successors, who will,
without any great difficulty, repair their faults.

With pleasure, Sir, I observe that those rights,
which you have acknowledged to subsist in the
people, are most religiously respected in all your
institutions. They have taken into their protec-
tion, all those, who, because they have not contri-
buted to the expences of the public, and have sold
themselves to masters the labour of their hands, are not yet
members of the Republic. These Men, who un-
der the description of slaves, were despised by
the ancients, and who, even in Europe, with the
name of freemen, languish in real servitude, you
have had the address to attach to the fate of the
public, by affording them the means of rising
superior to their station, of acquiring a peculium,

and cultivating an industry that will raise them the rank of citizens.

It is in consequence of these humane principles that by an express and original law, you have adopted the mode of trial by juries, which is the most excellent expedient, that the wisdom of man could invent, to establish between the strong and the weak an apparent, or rather a real equality. To each citizen you have insured this last and most essential security, that no powerful enemy can oppress him. Not even the Magistrate can abuse his power to gratify his private resentments, under pretence of acting for the public safety. In most States of Europe, it might be imagined that their criminal jurisprudence was designed for no other purpose, than to enable government to save the guilty to whom it is partial, and to destroy the innocent with whom it may be in enmity, by the means of a judicial administration prostituted to its will. You know not, and I hope you never will know, those private and secret proceedings, that are sufficient to terrify even innocence; which disturb, confound and deprive it of that coolness which is necessary to its defence. You will ever remember, that by endeavouring to deprive you of the beneficent security of Juries, and to render you subject to the tribunals of London, England sought to establish a tyranny over you. You see that to this salutary jurisprudence, the English are indebted for all the liberty they still enjoy, and for that national spirit

supports them in their decline. While the
 and great basely sell themselves to administra-
 , what would become of the nation, if the
 , deprived of the protection of juries, were
 to be oppressed by arbitrary verdicts? They
 and lose that bold and haughty spirit which is
 last resource of England. The United States
 America have nothing to fear in this respect,
 long as they forget not, that the founders of
 original constitutions have earnestly advised
 legislative power, to correct those laws which
 too severe, which degrade the mind, or shock
 feelings; and which, not being at all propor-
 ed to the nature of crimes, can only lead into
 or the more ignorant citizens, whose circum-
 nces preclude them from much information, and
 to have scarcely any system of morals except what
 laws afford; these would be led to confound
 the nature of their several duties, and would not
 know which are the vices they ought to avoid
 with the greatest care.

After having thus expressed my hopes, I must
 , Sir, conceal my fears from you. I will
 agree with you, that a Democracy ought to be the
 basis of every government that would derive the
 greatest possible advantage from its citizens. It is
 indeed sufficiently demonstrated from invariable
 experience, that the people, in this mode of go-
 vernment alone, can interest themselves in the
 welfare of their country, and by serving it with
 zeal, as well as courage, can in some measure

share in the wisdom of its rulers. But you will I believe, acknowledge with me, that a Democracy must be managed, tempered, and established, with the utmost prudence. You will observe that the multitude, degraded by their necessities and by employments which condemn them to ignorance, and to mean and sordid sentiments, have neither opportunity nor time to acquire the liberal principles of a wise policy. Influenced by their prejudices, they will judge of the welfare of the state according to their particular interests, and whatever most promotes these, they will deem the wisest measures.

The people cannot believe themselves free, without being tempted to abuse their liberty, because they have passions, which are constantly endeavouring to throw off every restraint. Hopes are excited, that prepare their minds to be less docile; they will naturally envy the lot of their superiors and wish either to rise to an equality with them, or to degrade them to their own level. What are the consequences of this? The citizens of the first class have also their passions, which take fire at the pretended insolence of the people; when acting only from the immediate impulse of temporary circumstances, will be accused of forming consistent schemes for aggrandizing themselves; and will be irritated when they ought to be appeased. Authority, in order to be preserved, will be stretched to its utmost extent; and such are the illusions of passion, that even those who aspire

the most arbitrary power, will persuade themselves that they are labouring only for the establishment of order and public tranquillity. Minds are inflamed; one act of injustice renders another necessary; reproaches arise; revenge alone then takes the place of policy; Revolutions succeed one another, and chance alone decides the fate of the Republic. I cannot think, Sir, that I am deluding myself with empty fears. What has invariably happened to every nation, in which the liberty of the people was not established and directed with a prudence equal to that of Sparta, would instruct legislators never to introduce democracy into a Republic, without the utmost precautions.

It shall perhaps be told, that the laws of America are formed after the model of those of England, the wisdom of which has been celebrated by so many writers. I allow this; though for your own happiness, I wish I were not compelled to show it: The Spirit of the English Laws is very different in yours, but let me intreat you, Sir, to observe the prodigious difference between your circumstances, and those of England. The English Government was formed amidst feudal barbarism. William the conqueror, and his successors were thought to be solely possessed of all the public authority, and so far were the people from entertaining any other idea than that of being born in servitude, that even the Barons themselves believed that they held their privileges only from

the munificence of their prince (*). This is truth which cannot be doubted by any, who

(*) Our very ingenious author seems here to have viewed the English constitution through the optics of Mr. Hume. These notions of it have been readily adopted and eagerly propagated, by the violent of the Tory party, who scruple no assertion, how ever false, in support of their favourite tenets: they were also exceedingly convenient to Hume for the purpose of vindicating the tyranny of the Stuarts; which, from the order observed in writing his history, and its evident partiality to this infatuated family, appears to have been the chief object of that plausible and seducing historian. William the first, and his successors though guilty of many tyrannical actions, acknowledged the forms of a limited monarchy and a free constitution. He received the crown from the Peers and People, and took an oath whereby he bound himself to govern the people justly, and preserve to them their ancient Laws among which, those of Edward the confessor were particularly mentioned. The following Passage from King Henry's Charter, shews that the privileges of the subject were then not considered as depending merely on the munificence of the Prince. "If the King invade those rights," (meaning the rights of the people) "it is lawful for the whole kingdom to rise against him, and to do him what injury they can, as though they owe him no allegiance." By an Act of Parliament of the 12 Rich. II. it was enacted. "That if the

privately peruse the grand Charter extorted by Barons from King John, which became both principle of all the political convulsions, under which the nation has laboured, and the rule of conduct hitherto, for the establishment of that liberty, which it still enjoys. Thus the national character of the English was slowly formed; each individual became gradually accustomed to his circumstances and station; and long contracted habit has confirmed the ambition of the Prince with the liberty of the Subject.

The United States of America were constituted

King, through a foolish obstinacy, and contempt of his people, or perverse forward will, or by any other irregular way, shall alienate himself from his people, and will not be governed and regulated by the rights of the Kingdom, and laudable ordinances made by the council of the Lords, and great men of the realms, but shall headily in his mad councils, exercise his own arbitrary will; from thenceforth it is lawful for them, with the common assent and consent of the people of the realm, to abrogate or depose him from the Throne, and set up in his stead, some body of kin, or near of kin to the king of the royal stock."

See Lord Somers's Judgment of whole Kingdoms and nations § 53. See also Hurd's Moral and Political Dialogues. Dial. V and VI. in which this subject is very ably discussed.

in a very different manner; their laws are not the work of several centuries, and of a thousand contradictory circumstances succeeding each other. The commissioners or delegates, who regulated their constitutions, adopted the true and liberal principles of Locke, concerning the natural rights of man, and the nature of government. But was not the transition rather too sudden, from your situation under the dominion of England, to your present circumstances? I fear your minds were not sufficiently prepared for it: and I have often told your countrymen; that I was too sincerely interested in their welfare, not to wish them a wisdom of length sufficient to correct their prejudices, and to give them all those dispositions, which a free people ought to possess.

Suffer me, Sir, to enquire whether your new laws are rightly accommodated to the understanding, the knowledge, and the passions of the multitude, who are never sufficiently discerning to distinguish between liberty and licentiousness? Has not more been promised than will, or than can be performed? If, in consequence of your former connections with England, you have among you the seeds of an aristocracy, which will continually increase in growth, was there not some degree of imprudence in endeavouring to establish too pure a Democracy? This is setting laws and manners in opposition to each other. It appears to me that, instead of splendidly exciting the ambition and hopes of the people, it would have been more

ent merely to have proposed freedom from British yoke, and an obedience to Magistrates, whose mediocrity of fortune should render them moderate in their views, and friends to the public welfare; while their rights should have been regulated in such a manner, as to obviate every source of injustice: Your principal care should then have been to set limits to the Aristocracy, and to make laws, that might restrain the rich from abusing their wealth, and from purchasing an authority, which ought not to belong to them.

I believe that the American constitutions place us nearly in the situation of the Romans, after the expulsion of the Tarquins. In order to interest the people in the cause of liberty, the Patricians made them the most magnificent promises. They seized upon all public authority, while the Plebeians fondly imagined that they should be subject only to the laws. Those abused their power, in which these were too haughty to acquiesce; and thus from opposite interests, arose all the dissensions of the republic.

You, Sir, will perhaps tell me, that it is no disadvantage to the United States of America, to resemble the Romans, whose republic afforded the most astonishing spectacle, and established its empire over all the then discovered world. In answer to this, I freely acknowledge, that there is not at this day a nation, that might not be happy to resemble them in their defects, provided they

could, at the same time, resemble them in their grand, wise, and magnanimous actions. But, unfortunately, the manners of modern times suffer us not to indulge these hopes; and these manners have reached even America. The love of their country, of liberty, and of Glory forsook not the Romans even in moments of the most violent civil rage; and their passions were habituated to a connection with justice and moderation. The Politics of Europe, founded in wealth and commerce, have long destroyed the ancient virtues, and I doubt much, whether seven years war will have been sufficient to revive them in America. But be this as it may; I fear that the rich will endeavour to form a separate order, and to seize upon the whole authority in this, others, proud of the equality with which they have been flattered, will refuse to acquiesce, and hence will necessarily result the dissolution of the government you designed to establish. Should such a revolution take place, by insensible degrees, and unnoticed by the people, it would be a proof that their minds were totally destitute of energy: Your Republic would indeed be exposed to no seditions, to no convulsions; but of what elevation of sentiment, of what liberality of heart, would your citizens then be capable? And, without these qualities, how can true liberty subsist?

If, on the contrary, this revolution should meet with resistance, what cabals, what intrigues, what secret treachery may there not be dreaded? Men

referee hatred, jealousy, passions which know
 no limits in their career, and which lead on in
 train a thousand other vices, the harbingers
 of tyranny fluctuating between rashness and ti-
 midity.

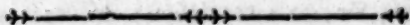
hasten, Sir, to a conclusion; to enter upon a
 question would, I fear, render my letter too
 long. In my next, I shall take the liberty to
 communicate to you my reflections, or my scrup-
 les respecting the laws of Pennsylvania, Massachu-
 setts and Georgia. For why should I conceal from
 you my fears and my doubts, as they are so many.
 I am of the interest I take in the happiness of
 America, that are due to the sentiments of
 friendship with which you are so kind as to hon-
 our me.

PASSY 24 July 1783.



L E T T E R II.

*Reflections on the laws of Pennsylvania,
Massachusetts and Georgia.*



I am of opinion, Sir, that the most satisfactory method of investigation, will be to commence with an examination of fundamental laws, by which I mean, the form of government that each republic has adopted. This is, which first determines, and at length confirms the character of every people; If this government provides for all its exigencies; if all its parts are suited to each other; if they are all directed to the same end, and, instead of embarrassing and hindering, mutually assist each other, I am certain that the prosperity of the Republic will be daily improving in stability. And this, because the Passions, after having made unavailing efforts to throw off the authority of the laws, and to violate them with impunity, will gradually resolve to submit to them, in order to acquire a greater freedom of action. The manners of the citizen and of the government will then be the same, and thus the social union will have all the perfection of which it is capable.

But if, on the contrary, the legislative power,

which is the soul of the state, or the hinge upon which moves the whole political machine, be not founded upon just proportions, what disorders may not ensue? Pennsylvania has entrusted the right of legislation to a House composed of freemen of the republic elected to represent there the inhabitants of their city or county, and in their name, to enact such laws, and make such regulations, as they shall judge most salutary. It is ordered, that these representatives shall be selected from among those persons who are most noted for their wisdom and virtue. Thus far all is well. But I must confess, Sir, that I can make no further reliance on this descriptive clause, than as the legislator will have taken the necessary measures to secure the exact observance of it.

If, from their manners, the Pennsylvanians are dissuaded to conform to this regulation; if integrity is high in their estimation, and they are inclined to reward it, why should the legislator order the election of representatives to be made by ballot? This mode of election being thought necessary inclines me to suspect, that Pennsylvania is far from possessing that spirit, which ought to animate a Democracy. I could imagine that, on the one hand, there are men in their cities and counties already so powerful, that they must be treated with particular reserve and caution, and that, on the other, it will be difficult to find Electors, who dare openly to speak their minds. I find all well governed republics have wished, that their citizens should have

the courage to declare their sentiments publicly; this accustoms them to entertain none, but what are honourable. The wisest politicians of antiquity have censured the use of the Ballot, and we may remember what Cicero says of it, at a time when the Roman republic was torn into parties, when it was dangerous to offend. When truth is necessitated to come forth in secret, and beneath a mask, falsehood is immediately ready to obtrude itself boldly. If the mode of election by ballot indicates the decline of a free state, it ought not to be used in its infancy. If it is necessary, we may thence conclude that the rights of the Democracy require some further limitation.

No one, it is said, shall be elected as a representative unless he has resided in the city or county for which he shall be chosen two years immediately before the said election. This law is indeed much wiser than that of England, which permits a person to be member of Parliament for a town or county, of which he is no inhabitant; but a trial of two years is not sufficient to acquire my confidence: during so short a period of time, a bad man may, without much difficulty, conceal his character, and pretend sentiments foreign to his heart. I should require a candidate to have passed through some public office in his city or county, that might afford him an opportunity of displaying his integrity and understanding. Men in general esteem that alone to be of value, which they cannot obtain without considerable expence:

and it is of great importance, that the Legislative Power be composed of citizens accustomed to respect themselves, and to entertain exalted ideas of the awful trust with which they are vested.

All the United States of America have required a certain quantity of property both in representatives, and Electors : Pennsylvania alone admits to these privileges, all inhabitants, without exception, who have, during a year, contributed towards the support of government. It appears from this arrangement, that the Legislator has paid a greater attention to merit than to fortune; and, on the first view, nothing can seem more strictly just. But may there not be some circumstances, Sir, in which, the greatest good being unattainable, it is most prudent to be satisfied with a less perfect establishment. If a republic is so fortunate as to be yet unacquainted with either riches or poverty, this law of Pennsylvania may, and ought to be enacted, because, without being contradictory to the public manners, it will be favourable to the Democracy. But if fortune has already made such a difference in the circumstances of the citizens, as to render a distinction of rank unavoidable; instead of endeavouring after a pure Democracy, would it not be more prudent to grant to the people only such privileges and rights, as are necessary to render the Aristocracy more circumspect, and prevent it from indulging that ambition, to which it is naturally prone? In such circumstances perhaps the wisest method would be to imitate the

policy of Solon, who, that he might not offend the wealthy, required the possession of a certain revenue; to confer a right of attaining the office of government.

No political danger is greater, than that, which results from the desire of blending and uniting establishments, which in themselves, and separately considered, are excellent, but will not bear to be combined. The laws of Pennsylvania favour the Democracy without any reserve; but this very partiality will only disgust the rich, who will never be satisfied to have no other rights and privileges, than what are common to the populace and the poor.

Permit me, Sir, to ask whether you think, that the manners and prejudices you have contracted while under the English government, are such as entitle you to aspire to a pure Democracy, a mode of government excellent with good morals, but detestable with ours? For my part, I am of opinion that America is inclined towards an Aristocracy by a prevailing impulse, that will overturn all the laws made to oppose it. Policy therefore, which ought to provide for futurity in regulating the present, will commit a capital error, if it attempts to establish among citizens, in opposition to all their prejudices, an equality of rights, which for this reason cannot be of long duration. The more numerous the measures taken by the Legislator to insure success, the less he should flatter himself with the

expectation of accomplishing his hopes. His efforts themselves will only tend to irritate those ungovernable passions, which will precipitate the republic into either anarchy, or oligarchy.

I apprehend not falling into an error, when I assert, that a Democracy requires great severity of manners; and I add, that however wise, and nice-adjusted to each other, may be its constitutional laws, it cannot long subsist, except in a republic, like those of ancient Greece, in which all the citizens were acquainted, were mutually the censors of each others conduct, and were constantly under the eye, and within the reach of the magistrate. The doctrine, which I here take the liberty of laying before you, I have derived from Plato, Aristotle, and all the ancient politicians; and to me their excellent theory appears to be but too amply illustrated by all history. I have at this moment, the map of your possessions before me, and it is not without a kind of dread, that I reflect on the vast extent of territory which Pennsylvania contains. A single man of ability, boldness and an enterprising disposition, who has nothing to lose, but much to hope from public disturbances, is sufficient to effect, or at least, to pave the way to a revolution. But not to mention those adventurers, who from their private influence will create themselves tribunes of the people; who can be certain that no wealthy merchant, by affecting popular politics, shall take advantage of those discontents, hatreds and jealous-

sies, which are continually springing up in a Democracy, where property is so unequally distributed, to kindle the flames of civil discord, to make trial of his power, and to establish his tyranny?

I shall perhaps be told that I am raising chimeras for no other purpose, than to have the pleasure of combating them: but let me intreat you, Sir, once more to peruse the history of Florence; and I am much mistaken if you will not have reason to fear lest Pennsylvania should also give birth to its Medici, who from their bank, or their counting house, may ascend a throne. What is there, indeed, that may not be attained by ambition, genius, wealth, and popular favour? A single instance of this kind would be sufficient to break every tie of your confederacy. I am sorry to dwell so long on these disagreeable objects; but if policy, acquainted with the power of the passions, and the caprice of fortune, wishes to avoid self-deceit, it must be very open to fear, and yet more reserved to hope.

The people, says the Pennsylvanian Declaration of rights, have a right to assemble together, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances, by address, petition, or remonstrance.

I must acknowledge, Sir, that I cannot easily

comprehend the intention of this law. Nothing can be more just or reasonable, than that the people should have the right of discussing their interests, and giving instructions to their representatives, when assembled for their election; nothing at such a time seditious. But have the people a right to assemble as often as they please, unrestrained by any rule, by any civil authority, and without being under the eye of the Magistrate? If such be the spirit of the law, you must allow that it is so very popular, as to be truly anarchical. The laws can never inculcate too much respect to the legislative power; but this exposes it to the humours of a tumultuous assembly, that may be called together by any turbulent discontented person, who may have eloquence sufficient to seduce the minds of the people. These addresses, these petitions, these remonstrances may be useful, and even necessary in England, where Parliaments are septennial, and sometimes betray the interests of the nation; while the King and his ministry have an influence too prevalent, which it is prudent to distrust, and wise to intimidate. But in Pennsylvania they must be entirely useless; because the legislative assembly is changed every year, as well as the Magistrates intrusted with the executive power. If I mistake not, the laws in England ought to preserve alive in the people an attention to their interests, because their liberty has powerful enemies; whereas in Pennsylvania, on the contrary, they ought to teach the people to submit with patience, and above all, never to

act, except under the direction of a magistrate because anarchy cannot but be highly detrimental to them.

I should be less free in disclosing my sentiments, were you, Sir, less a lover of truth, or were it possible that my errors could mislead you. I doubt much whether you approve of the constitution of Pennsylvania, when, instead of rendering the legislature as respectable, as extensive, and as compleat as it ought to be, it is deprived of the power of making any addition, or alteration, in the original constitution. This I must confess is a strange law. Could the legislators, assembled at Philadelphia to lay the foundation of an infant republic, possibly be ignorant, that nothing can limit the legislative power? Did that assembly consider itself as infallible? Will not new circumstances, new connections, new manners, new exigencies require either the enacting of new, or some modification of old laws? What power superior, or even equal to the legislative assembly, did the first legislators imagine they possessed, that they should confine this to the punctual observance of their orders? It is always wrong to enact a law, that may be violated with impunity. It ought, in my opinion, to be an axiom universally acknowledged, that the legislative power should be unlimited, if we wish not to destroy, or to render its operations ineffectual. Of what use then will be the clause, of which I complain? It will tend to diminish that profound respect which every citi-

ought to entertain for the legislative body ; to
 ve occasion to debates and disputes concerning
 the nature of new regulations ; to authorize law-
 ers , who are all naturally sophists , to interpret
 laws as they please , to prove that the new are
 null and void , because they are not exactly con-
 formable to the old ,

Another scruple , for such is the only name I
 give to my observations. In a republic , in which
 children behold , in their parents , examples of
 democratic simplicity of manners , I should not
 object to a regulation , that gave to every young
 man of twenty one years of age , born in the
 state , and who had almost constantly lived amidst
 his family , the privilege of a vote in the election
 of representatives for his city or county. At this
 age virtue is beloved with the boldest ardour , and
 no extraordinary understanding is requisite to know
 which are the citizens of a district that enjoy the
 fairest reputation. But it is , I think , too liberal
 to grant this privilege to every foreign adventur-
 er , who shall , during a year , have paid taxes to
 the state. It will necessarily result from this ar-
 rangement , that a number of young people , who
 have not the right of citizens in the other United
 States , will resort to Pennsylvania. These will not
 import that simplicity of manners , which a de-
 mocracy demands. They will sell themselves to
 the several parties , that may divide the cities and
 counties , and nothing really advantageous can be
 expected from such birds of passage.

The laws appoint that sons of freeholders of the age of twenty one years shall be entitled to vote in the election of representatives, although they have not paid taxes. Of this I might approve; but suffer me to ask, how this Aristocratical distinction, can coalesce, if I may so express myself, with the pure Democratical principles of the Pennsylvanians. That vanity, which lurks at the bottom of the human heart, is the most subtle and active of all the passions. I would wager, that these freeholders will look upon their privilege as a kind of dignity, that separates, and that ought to separate them, from those citizens, who possess no Estates. After having despised, they will refuse to intermarry with them. Hence two orders of families; for as soon as some enjoy a particular prerogative, they will conclude that they ought to constitute a separate rank. Hence I foresee the rise of an hereditary nobility, which the American laws proscribe. I foresee perpetual contests, between that Aristocracy, which the Passions will establish, and that Democracy, which the laws will protect; and to prevent this from being disadvantageous, and even ruinous to the republic, the citizens must possess the virtues of the best ages of Rome; that is, there must be something which, in their esteem, is more precious than wealth.

If any city or cities, county or counties shall neglect or refuse to elect and send representatives to the general assembly, two thirds of the members from the cities or counties that do elect and send representatives,

*vided they may be a majority of the cities and
ties of the whole state, when met shall have all
powers of the general assembly, as fully and am-
as if the whole were present.*

This is, I must confess, Sir, a most extraor-
ary law in the code of a people assembled to
in their constitution. I should be glad to ask
legislators what reason they could have to fore-
or even to suspect, that any city or county
d be capable of such neglect, or of a disaf-
tion so criminal. If such a law could be deemed
cessary, the minds of the citizens must already
tainted with some prejudice, error, or vice,
ch separates their interests from those of the
public, and paves the way for a fatal schism.
In this case, a remedy ought to be immediately
plied, and measures taken to prevent the public
thority from being degraded. For the cities or
anties, that will refuse to send their representa-
es to the general legislative assembly, will doubt-
also pretend that they are under no obliga-
n to obey laws, in making which they have no
re. This is a crime of the deepest dye, which
oposes a monstrous indifference to their Country,
d in a Democracy, indicates the total dissolution
the republic.

It is very right that the doors of the legislative
sembly should be open for the admission of all;
will form an excellent school for the instruc-
on of citizens. It is also right to print a weekly

journal of its votes and, proceedings : a Democracy is inimical to mystery, and requires information ; but it is perhaps dangerous to order that *all bills of public nature shall be printed for the consideration of the people.* This is, perhaps, the most certain method to render every thing problematical. It is well known that the populace would still be ignorant, weak and liable to prejudice, though it rivaled even the people of ancient Athens, in understanding and ingenuity. Ought not the legislators to have been contented with ordering that " the reasons and motives for making such laws shall be fully and clearly expressed in the preambles ? " This provision would be sufficient to prevent the representatives from acting rashly, and would guard the people against the sophisms of discontented and disaffected citizens.

Let us now survey the executive power, which it is useless to make laws. This the Pennsylvaniaians have intrusted to a council composed of twelve magistrates, who are to be nominated by the same electors that chuse the representatives of the city of Philadelphia, and of the eleven counties which constitute this republic. This council will have at its head a president and vice president, both to be chosen annually, by the joint ballot, of the general assembly and council, of the members of the council.

I apprehend, Sir, that I judge rightly, when I take the liberty to censure your not permitting the

executive council to be chosen by the general assembly. Why should you entrust to electors of twenty one years of age, to a multitude always ignorant and naturally inclined to prefer indulgent magistrates, the care of chusing men, destined to watch over the observance of the laws, to manage the most important interests, the most delicate concerns of the republic? Can any be deemed more capable of making such a choice than the representatives, who are so greatly interested in the faithful preservation and punctual observance of the laws? I should also think, that this would be the most advantageous method of establishing, between the legislative and executive powers, which in a free government are naturally jealous of each other, and in a Democracy almost always at enmity, that concord and harmony which constitutes the happiness of the state. It appears to me, that, without acting inconsistently with their principles, the Pennsylvanians might grant to the general assembly the right of electing, from among the representatives, the members of the executive council. Hence many advantages would result. The county, whose representative were chosen, would be pleased with this distinction; for men never slight any thing that can interest their self-love. A kind of emulation would arise among the counties: they would be careful to send to the general assembly only such citizens as were worthy to aspire to a seat in the council. The body, with which the laws are deposited, would have been composed of the most eminent men; and by this common

interest of honour and emulation , the too free and intriguing spirit of the Democracy would have been at least a little moderated.

Nor is this all ; I might observe to you , Sir , that only twelve counsellors will scarcely be sufficient for all the business of the administration. I might further ask why , in a constitution where , under the pretence of its great freedom , people take no more pains to think and reflect justly , than under the most despotic government , the legislators assembled at Philadelphia , prescribed no rule , no policy , no regulations , respecting the method of transacting business , either in the general assembly , or in the executive council. Philosophers prescribe to their disciples the path they must pursue in the search and for the discovery of truth. Ought not legislators to be equally exact in establishing the forms that lead to justice and the public welfare , as their business lies with men , who are sometimes not very intelligent , and as the passions may mislead even the best understanding ?

After having proposed so many doubts and scruples , I must express the satisfaction with which I observe that Pennsylvania has not , like most of the other United States , entrusted the executive power to a council that is totally changed every year. The council being composed of triennial magistrates will annually lose the four eldest , who will be replaced by four new elections. The law observes that *by this mode of election and continual rota-*

more men will be trained to public business, will in every subsequent year be found in the council a number of persons acquainted with the proceedings of the foregoing years, whereby the business will be more consistently conducted. I allow Pennsylvania will have fewer inconsistencies, and adhere more closely to its constitutional principles than those republics that have established a council consisting only of annual members; but this is not sufficient to engage my entire approbation. Have not the magistrates of an infant republic who are endeavouring to form its character, need of a longer authority in order to establish permanent maxims and principles, and to give it the direction, if I may so express myself, the most favourable to its welfare.

Can any one, without some degree of apprehension, consider the vast variety of individuals of whom every community consists, all endued with sense, and yet each with different passions. Of these, however, some are incapable of reflection, and this class consists of by far the greatest number: others are able only to combine the ideas that are proposed to them; and amidst these, a few men of genius distinguish themselves, who will not always, however, be of the same sentiments. What must become of a republic, if it has not in itself a body permanently established, that shall religiously preserve the deposit of the national laws, policy, and character, as the Vestals preserved the sacred fire of Vesta? Let us, Sir, analyze the his-

tories of Lacedemon and Rome , and you plainly perceive that these two republics were indebted for all their virtue , their policy , their wisdom , their fortitude , and in short for that character which we so much admire , to no other than the establishment of that perpetual senate which was the soul of the State. By this the Aristocracy and Democracy were held in exact equilibrium and hence resulted a mixed form of government which preserved the advantages of each mode without having the defects of either. I am happy to see , in the constitution of New York , that the republic has established a council consisting of twenty four members , of whom the four eldest vacate their seats every year , and are replaced by a new election of four candidates , who will easily and naturally imbibe the spirit of the body of which they become members , and will transmit it on their resignation to their successors.

Notwithstanding the friendly severity with which I have examined the laws of Pennsylvania , I entertain the deepest veneration for the legislators who enacted them. The most profound knowledge of the rights of nature , and of the human heart is discernable in a thousand instances ; but I once more assert that when you were at last compelled to throw off the authority of Britain , and , at the same time , to hasten the establishment of a constitution , in order to prevent anarchy , and to disconcert the criminal designs of the party that England had yet among you , you had not leisure

suf-

efficient to arrange every department of government in the most perfect manner. The legislators may now resume their work; the love of their country invites them to it, and I doubt not but they will be to Pennsylvania, the government best suited to the present situation, and most provident for future contingencies.

The plan of government established in Massachusetts is formed after the model of that of England; but is much superior to its original. That, which in England is called a Parliament, has with us the appellation of a general court. It consists of a senate that answers to the upper house in England, and of a house of representatives which has rights similar to those of the house of commons in London. Each of these two houses has a right of framing bills separately; these must be communicated to the other house, and those which are adopted by a majority of votes in both houses are presented to the governor, who approves of them by affixing his signature, or he returns them, and explains the reasons which induce him to withhold his assent. However if the two houses persist in their resolution, and the bills after a second examination are approved not only by a majority of votes, but by two thirds of the members present, such bills, even though rejected by the governor, shall have the force of laws. The same is the case if the governor delays declaring his opinion for more than five days, his

hence being deemed an assent to all intents and purposes.

This form of administration is in my opinion much better than that of England. An annual governor, who, as he is soon to return to the degree of a private citizen can have no interest in augmenting his prerogative; who is assisted by counsellors assigned him, whom he has not chosen, and cannot remove at pleasure; in short, a magistrate who from his circumstances possesses neither the means of purchasing the votes of the general court, nor of corrupting its members by tempting their ambition with titles and honours, is not the enemy of public liberty, like a King of England, whose passions may point out interests opposite to those of the nation; who incessantly and secretly undermines the rights both of the peers and commons; and who, gradually advancing, by means of corruption, towards arbitrary power, enervates their minds, enfeebles the sentiments of liberty, and will at length find a crisis, when by acting with vigour and severity, he may, like Henry VIII, astonish and confound the English, and teach them to bow beneath the weight of his sceptre.

I must also observe that the *Veto*, which is the prerogative of the Kings of England, obstructs, retards, and confines the legislative power, which is hence prevented from enacting laws necessary to its

en security. A parliament compelled to negotiate,
 cannot act with becoming simplicity, dignity,
 and firmness. It is reduced to a defensive con-
 duct, that must at length terminate in its ruin,
 at which it cannot abandon without exposing the
 nation to the greatest disorders, and referring its
 fate to the uncertain decision of arms. The Go-
 vernor of Massachusetts on the contrary only re-
 monstrates to the legislative power; this is a wheel
 of the political machine that retards its motion
 only to render it more salutary, by counteracting
 precipitation, surprize and insatiation. The
 mutual check exercised by the two branches of the
 General court, in having the power to reject each
 other's bills, is, if I am not much mistaken, fa-
 vourable to the stability of the government. It
 prevents a taste for innovation, it inspires the ci-
 zens with a stronger attachment and a greater
 respect for the laws; and the revisal which is al-
 lowed to the Governor of Massachusetts, is well
 calculated to add security to these advantages.

Perhaps, Sir, you may have the mortification to
 see Pennsylvania a prey to all the humours of a
 Democracy, while the government of Massachusetts
 will be confirmed in its principles. Upon shaking
 off the yoke of a severe master, who sacrificed you
 to his falsely apprehended interests, you have had
 the prudence, in constituting a new republic, to
 present to the minds of your people such laws on-
 ly as are naturally connected with the ideas to
 which they were accustomed, and which, instead

of shocking their former habits, serve only to render liberty more agreeable and tranquil. Your fellow citizens have not experienced the sudden transition which the Pensylvanians have made in the revolution of their government. Upon a democratical basis, which without exciting hopes that are too presumptuous, secures liberty to the people, you have established an aristocracy, which from its very nature is less turbulent and more consistent; and which the manners of America, but too similar to those of Europe, now render necessary. While Pensylvania hurried far away from the sentiments, laws, and habits, to which she had been accustomed, may perhaps become intoxicated with a democratical liberty of which she knows not the proper bounds, and which she will probably confound with licentiousness, the Republic of Massachusetts more circumspect in its operations, because it has interests less opposite to reconcile, will establish its government and character.

I doubt not but those, whose favourite topic is the dignity of man, and the common rights which all derive from nature, will prefer the government of Pensylvania to that of Massachusetts. But I am equally certain that they will alter their opinion, as soon as they leave their metaphysical speculations, and consider how limited in most persons is the human understanding. It seems indeed as if nature herself, by the unequal manner in which she distributes her favours, provided for that sub-

ination without which society cannot exist. We ought therefore to conform to her laws in the establishment of ours, and not assign the power of government to those whom she has destined to be governed. Let any one investigate the human heart, and there explore the seeds of all those passions that are continually endeavouring to expand themselves; let him study the force of our habits which obscure the light of reason, and at last consider dear to us those abuses which we should otherwise have thought intolerable; and he will be convinced that the wisest policy is that which is most pliant to exigencies and circumstances, in order to derive the greatest possible advantage from them. I cannot too frequently repeat it, that, in proportion as manners relax, laws and power ought to be reduced to a less compass, and government intrusted to fewer hands. And is it not indeed evident, from all the revolutions of nations, that a corrupt Democracy inevitably leads to an Aristocracy, and that this government, though at first oligarchical, terminates in Monarchy. Thus are we led on by the natural progress of our passions when left to themselves: in restraining their career, and directing them to useful, that is to worthy ends, consists the whole art of legislation.

You, Sir, who know what progress the vices of Europe have made in your States, can best determine what kind of government is the fittest for

them. I must acknowledge that my intelligence on this head is very doubtful, I have been informed that the Pensylvanians apply much more to agriculture than to commerce, and that those enormous and disproportionate fortunes, which are but too frequently found in the republic of Massachusetts are unknown among them. This may be true; but is this sufficient to vindicate their Democracy? I know that agriculture produces greater simplicity and purity of manners than commerce; but I observe that the port of Philadelphia affords a favourable avenue to trade and industry. If the Pensylvanians take a delight in riches produced from their lands, why should they neglect increasing their wealth by following the example of the Bostonians. I ask what measures the laws have taken to stop them on the brink of the precipice? I ask farther, if, in a government entirely popular, any such measures can be taken? When a people industriously cultivate the earth, in order to enrich themselves, and must soon have shops and mechanics to work and fashion rough materials to assist and expedite the progress even of agriculture; it would be a miracle of the most extraordinary kind, if they were able to resist the farther impulse of a sentiment, by which they cannot but be actuated. Here laws and the government must interpose their assistance; and in this case, I once more ask, what are the resources of a Democracy? I dwell long on this article, Sir, because I most cordially wish that Pensylvania may either form or adopt political

principles more proportioned to its exigencies, to
 present circumstances, and to the evils with
 which it is threatened.

I return to the constitution of Massachusetts, and
 observe, Sir, with pleasure that the government
 keeps at a proper distance all those who have no
 property but their labour, and who could only
 disturb the political administration, were any au-
 thority allowed to them. It was perhaps for this
 reason that the ancient republics, though so well
 acquainted with the duties of humanity among fel-
 low citizens violated its rights by the permission
 of slaves, who had no political existence, and were
 subject only to the will of their masters. Your
 laws with greater wisdom take the poor under their
 protection, who may indulge the hope of rising,
 by industry and frugality, to the honour of sharing
 in the election of senators, of representatives, and
 even of the Governor. This hope will sweeten to
 them their condition; they will love the State
 for the sake of the advantages they expect from it;
 and you will have no cause to fear such insurrecti-
 ons of slaves as ancient history relates. By
 rendering the possession of less property necessary
 to qualify for representative, than for senator, you
 have, by a prudent equilibrium, prevented the more
 wealthy citizens from engrossing among themselves
 the whole authority. This is, in my opinion, the
 most proper arrangement that could be made to
 moderate the Aristocracy, by mixing something
 of democracy with it.

It is very proper that the general court, consisting of senators and representatives should have the care of nominating the nine counsellors, to whom, together with the Governor and Lieutenant Governor, is intrusted the executive power. After what I have already said of the council of Pennsylvania, you will not be surprized, Sir, at my censuring that of Massachusetts, consisting of fewer persons, but these entirely changed every Year. Let us not deceive ourselves; an Aristocracy, without a council in which the manners, the spirit, the character, and the principles of the State are preserved and perpetuated, is really a political monster. To what fluctuation must it not be exposed? The Republic successively adopting the various opinions and fancies of its several magistrates, can inspire no confidence either in its own citizens, or in strangers. This defect alone is sufficient to interrupt all the harmony of your government.

I confess, Sir, that I feel a particular partiality for the republic of Georgia. This is a new colony; it occupies a large extent of territory, and I am told that the number of its inhabitants amounts not to forty thousand. How favourable are these circumstances for the establishment of a republic among a people whose sole pursuit, as yet, is to acquire their wealth by clearing the lands around their habitations! All their ideas must naturally incline towards agriculture, which alone affords abundance to mankind, preserves the simplicity of their manners, and disposes their souls for grand objects.

and indeed we have seen that this Colony, though in its infancy, and more exposed than any of the rest to the calamities of war, has not been wanting to itself, but has afforded an example of courage and prudence.

Were I so happy as to be a citizen of Georgia, I think that in the convention for drawing up its constitution, I should have exerted every effort to establish more firmly that spirit of moderation and simplicity, the value of which, my fellow citizens, notwithstanding their manners, seem not sufficiently to comprehend. "Friends, Brethren", would I have said, "let us return thanks to Providence for having directed America to the happy revolution that secures its independence, previous to that period; when from our increased populousness and wealth, it might perhaps be impossible for us to secure our liberties on a permanent basis. We are not now so numerous as to prevent our conferring, and our manners, yet uncorrupted by artificial wants, still permit us to establish in our infant republic the true principles of society, and to erect barriers that shall exclude those vices, which either permit not men to take the path that leads to happiness, or make them soon abandon it. The only true wealth of man is the produce of the earth; would we be really happy, let us learn to be contented with the fruit which we reap from our labour; this will always suffice, and will never fail us. Let us take proper precautions to prevent any circumstance from

"diminishing our sense of this valuable truth, of
 "which we are now fully convinced, but of which
 "the contagious example of our neighbours may
 "soon render us forgetful.

"I observe with concern", would I have added,
 "that you have ordered *an elegant house* to be engraven
 "on the great seal of the Republic. I could rather
 "have wished that it had presented only a plain
 "and simple habitation, which might remind posterity,
 "of those manners void of luxury and splendour,
 "which prevailed at the foundation of this State,
 "and which they ought to imitate. With pleasure
 "shall I view on the impression of this seal, *fields of corn,*
 "*and meadows covered with sheep and cattle,*
 "*a river running through the same,* but why,
 "to these images, which paint your character,
 "will you add *a ship under full sail*? Let us
 "remember that to us this will be Pandora's box:
 "let us dread becoming familiar with these ideas
 "of a false prosperity, which we shall too easily
 "impress on the yet uninformed minds of our children.
 "Would to God, no ship might ever arrive, which,
 "by importing pleasures and wants hitherto
 "unknown, would render us disgusted with a
 "simplicity that is sufficient for our happiness!
 "Would to God we were retired far into the country,
 "and had nothing to fear on any side except the
 "neighbouring savages, less dangerous than the
 "seas that bathe our coast! Why should we be
 "so partial to the ports of Savannah and Sunbury,
 "as to allow the one to send four representa-

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tives to the house of assembly, and the other, two members to represent its trade. Let us avoid following the example of Europe, wretched from the attempt to found her strength, her power, and her happiness upon a wealth that must weaken and impoverish her. From the moment that we look upon commerce as the object and end of a flourishing State, we must renounce all the principles of sound policy, or if we have established them, we must expect to see them speedily overturned. If we would encourage the virtues that are necessary to us, let us confer honours, rewards, distinctions on those cultivators who are most able and industrious, and who, that they may learn to defend their possessions practice the honorable exercises of the militia, as a relaxation from the labours of the plough. Let us not think of inviting a great multitude to reside among us; a handful of worthy citizens of spirit and virtue, will be of infinitely greater value."

I am loth to conclude, Sir, but shall now only add some observations on the constitution of Georgia. This republic seems to preserve a medium between the government of Pennsylvania, and that of Massachusetts. To have paid taxes to the state, is not sufficient to qualify a person for the honour of representative, but the property required is too moderate not to be consistent with the spirit of a Democracy. On the other hand, the legislators steer clear of an Aristocracy by not establishing, like those of Massachusetts, two hou-

ses to exercise the legislative power. It is evident that equality is dear to them, from their refusing to regard as a citizen any inhabitant who shall not have renounced, in the most expressive manner, those particular titles which a paltry vanity has invented, and which in Europe seem to indicate a species of nobility. I shall eagerly attend to every information that relates to Georgia. If I hear that corruption is there opposed, not by vague laws, but by establishments that favour and protect morals, I shall prognosticate well of its fate; either the defects which may be censured in its present laws, will disappear; or these defects will have no pernicious influence.

The laws made by the house of assembly are to be submitted to the revial of the Governor and the executive council. Their remonstrances are to be sent to the legislative power by a committee, who shall propose the amendments requested by the governor, and explain the reasons that render them necessary. During this conference of the two powers, the committee are to be seated and covered, and the whole house, except the speaker, uncovered. This is the custom of the world reversed; for it is unusual for the agents, clerks or stewards of a republic, to appear, with marks of preeminence and superiority, before their supreme masters. I am satisfied that, among a people who have virtue sufficient to love laws and liberty with equal affection, the circumstance of wearing a hat is of no importance; From this trifling ceremonial,

not.

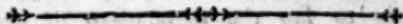
nothing will be inferred, except a design to remind the representatives of the profound respect due to the ministers of the laws, while they are such; though when dissolved, they must return to the degree of private citizens. But with a corrupted people, among whom vanity and ambition labour only to sap the foundations of equality, this trifle would be sufficient to ruin the whole. The passions will embrace the slightest pretences to make encroachments, which would gradually be considered as rights, and no measures neglected to maintain them.

PASSY 6th of August 1783.



L E T T E R III.

*Observations on some important objects relative
to the legislation of the United States
of America.*



It would be needless, Sir, to enter upon a particular examination of the laws by which the other United States of America have established in themselves the public authority : it would necessarily lead me into useless and tedious repetitions, and what I had the honour of observing to you in my last letter, concerning the three republics that I had more particularly studied, may, in my opinion, be applied to all the rest. I will add, that if the citizens of Massachusetts, of Pennsylvania, and of Georgia, in a new revival of their constitutions, should endeavour more accurately to proportion their laws to the exigencies of their actual circumstances ; if they were as provident for futurity as for the present moment ; if their regulations established a more just equilibrium between the legislative and executive powers ; if the ambition of the people were less excited by the privileges and hopes which a democracy confers, and were never hence driven to make violent efforts in order to defend their dignity ; if the wealthy were sufficiently deterred from daring to offend their inferiors, these republics might serve as mo-

dels for the rest, who would in their turn become more circumspect in their conduct, and reap advantage from the examples held up to their view. If however any disturbances should take place among them, the former would offer themselves as mediators; their reputation for wisdom would give weight to their negociation, and thus good principles would be gradually established throughout the whole confederacy.

The three republics I have thus particularly mentioned are the only ones that have felt, or at least expressed the value of morals and of a good education. The legislators of Massachusetts, are not only careful to cultivate the faculties of the mind; but are also anxious deeply to inculcate in the hearts of youth, *principles of humanity and general benevolence, public and private civility, industry and frugality, honesty and punctuality in their dealings, sincerity, good humour, and all social affections and generous sentiments.* All this I can only consider as an empty declamation, unless by real establishments the republic speedily endeavours to reduce this beautiful theory to practice; for all the virtues, with which children can be inspired by their earliest education, will be but of short duration, if upon their entrance into the world, they learn a contrary lesson from the manners of the citizens. I am therefore concerned to see that Magistrates, who could express themselves thus wisely, have in no place established any permanent regulations

in favour of good morals. They are inclined, on the contrary, to favour the progress of commerce, and they open a door for avarice, by ordering that the governor should have an honorable stated salary, amply sufficient for the demands of his station.

Instead of this, I wish that in proportion as offices became important, their appointments should be made less considerable, or rather that they should have none at all. The Americans are no longer subjects of the King of England, they are free men, and though they should deem my opinion as savage and unreasonable as it will be thought in Europe, I cannot avoid deriving from this circumstance an ill opinion of their future fate. Money may make great lords in a monarchy, but it debases magistrates in a republic; on these, it is neither rapacity, luxury, nor splendour, that can confer honour. We can have but little love for our country, if we demand a salary for serving it. And he, who loves it thus little, can be but of low estimation as a private citizen; by what miracle then can he become an excellent magistrate? Why cannot a governor, who must in his private capacity be possessed of a competent fortune, have liberality sufficient to devote a year or two of his life to the exigencies of his republic? The present is the most critical period for America: if its manners are already such that it must purchase its magistrates, this detestable principle will become the general spirit of the citizens and de-

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grade them all. Let the republic of Massachusetts have the resolution to abrogate the law of which I complain; let the chief magistrate once display a conduct thus disinterested; and all the citizens who aspire to the honour of succeeding him, will shew similar liberality, till at length this virtue will become common and familiar. But permit me to add, that in order to preserve it, the citizens must be taught not to be ashamed of their simplicity. Sumptuary laws, and regulations favourable to purity of manners must prevent the progress of luxury, and diminish the artificial wants of effeminacy and vanity, passions that know no limits, that in time ruin even monarchies, but are immediate destruction to republics. It is by such public and general discipline that the education of your children will be truly compleated.

North Carolina and Georgia mention the utility of a good education, but say not a word of morals; are then these two States unacquainted with their influence?

“ Quid leges sine moribus

“ Vanæ proficiunt”?

I am pleased to see that the legislators of Pennsylvania have attended to this object; but it is not enough to praise virtue, some method must be taken to render it beloved. This is a matter of the utmost importance, because the more Democratical any government is; the greater must be the influence of manners. The people swayed more

by their habits than by their knowledge, which is always weak, and interwoven with a number of prejudices, are carried away by the impetuosity of their passions and opinions, and are unacquainted with those various tempers, which the principal citizens of an Aristocracy are accustomed to humour for their own interests. But Pennsylvania will never effectually provide for the morals of the public, unless care is taken to reform, in the principal citizens, the vices to which their circumstances render them most liable. In order to succeed in this, the authority of the council of censors ought not to be confined to an examination whether the constitution has been preserved entire, and without any violation.

This council, which is to be assembled every seventh Year, appears on the first view favorable to the public tranquillity. It was perhaps supposed that such an establishment might render those citizens more patient who might have just reason for complaint, and that the hope of seeing the injuries done them speedily redressed would prevent them from forming cabals, and intrigues, or from taking violent measures. But of what avail will be the wisdom, of what avail the power of these censors, from whom Pennsylvania expects the perpetuity of its laws and constitution, if they are not seconded by the general manners of the republic? They will probably experience the fate of the Roman censors, who, after having rendered important service to their country, at length became useless to it, when that

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corruption, which involved the laws in contempt, obliged them to silence. In order to enable the Pennsylvania council of censors fully to discharge the duties intrusted to it, besides the powers it already possesses, it should have the care of anticipating abuses, of attending to the symptoms that indicate any new vice, and of encouraging any beneficial usage, any laudable custom, or any virtuous principle, that may appear to be weakened and declining. I confess that notwithstanding all these precautions, I should not be entirely satisfied. The least reflection on the nature, the course, and progress of the passions will shew that they ought to be subjected to a vigilant, attentive and perpetual censure. If Pennsylvania begins not by protecting and encouraging morals, and by averting every thing that may be prejudicial to them, I fear that a council, assembled every seventh Year to repair the injuries done to the constitution, and to establish its original principles, would be of all councils the most useless: it would itself be carried away by the torrent of public manners.

Though I doubt not, Sir, your being well persuaded that without the influence of manners all laws are superfluous, yet suffer me to dwell a little upon this article. I would intreat the United States to consider, that to them the influence of good morals, and of establishments which may enhance the practice of the most useful virtues in the esteem and affections of the citizens, is more peculiarly necessary; as you can derive no advantage from

religion, which, however, the policy of all nations has ever considered as the most powerful engine to move the heart, and direct the mind of man.

Your ancestors first laid the foundation of your colonies at a time when England, like the rest of Europe, was engaged in theological controversies, and torn with religious dissensions. They fled to a country where fanaticism prevailed, and filled with a just abhorrence of that absurd tyranny which is exercised over the consciences of men; they regarded as the height of happiness, the liberty of serving and honouring the Deity in the manner that each thinks most agreeable to his reason. This turn of thought became the principle of both the doctrine and practice of your ancestors; and their children imbibed it as it were, with their mothers milk. It appears from your constitutions that this unlimited liberty of conscience still constitutes the general and public sentiment of your republic. But circumstances are no longer the same: you are no longer subject to the English who provided for your security: you are now obliged to be your own governors, and in granting the same rights to all the different sects, that are now accustomed and familiarized to each other, it might perhaps be necessary a little to restrain your extreme toleration, in order to prevent the abuses that may result from it.

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over the human mind, it would certainly be of the utmost utility that the citizens of a State, united in one form of worship, should all obey the same religious, as they all obey the same civil laws; by which means religion would unite its power with that of government in order to render them happy. I well know, Sir, that the United States can no longer hope for this advantage. The Gospel which is the general rule common to all those sects that exclude you from their communion, commands peace and the love of our neighbour: and the government that conciliates so many different religions, protects them all, in order to conform to the rules of Christian charity. But suffer me to enquire whether your republics have adopted proper measures in order to prevent other religious innovations, with which you are yet unacquainted, but against which you ought to guard, from disturbing your repose, and from repeating in America those sanguinary tragedies of which Europe was too long the scene.

You cannot possibly deserve any blame for having obliged the Ministers of religion to teach what they profess: you have informed them, as Jesus Christ did, that their kingdom is not of this world. Would to God that the Emperors, Kings, and Princes, who have embraced Christianity had not heaped riches, dignities, and temporal honours upon the clergy in exchange for the spiritual blessings they received from them: this was sowing tares in the field of the householder, and these tares have in

effect choaked the good seed ; the spiritual has been enslaved by the temporal.

The legislators of the American confederacy have effectually guarded against this evil. The clergy of the several religions tolerated among you enjoy only that protection which the laws owe to all for their security ; but they are not citizens, because they have no share in the public or civil administration of affairs. Besides the mediocrity of their salaries cool all their passions. They are not tempted by great possessions as in Europe , first to confound their temporal interests with those of religion , and at length to give the preference to the former. This is a very great advantage. But why humiliate in any manner those whose office it is to teach morality ? You seem to suspect them , this is tempting them not to love your laws. It would be easy for you to testify the esteem which is certainly due to many of your clergy. It would be sufficient to suffer them to vote in your elections , and not to exclude them from all public offices , except under the pretence of not diverting their attention from the important duties of their function. In this manner has Europe got rid of ecclesiastics whose power was inconvenient , or who were too forgetful of the sanctity of the clerical character.

But I proceed to an observation of yet greater importance. From this medly of so many different religions , do you not fear a general indifference to the public worship of each ? Public worship is how-

er necessary to prevent men from falling into
 ism, which affords no security to civil govern-
 ment, except in the case of persons superior to the
 influence of sense, and of themselves capable to
 contemplate the wisdom of God, and to discern
 the obligations of morality. Such Deists may be
 virtuous; but the external worship to which,
 from their infancy, they have been accustomed, gra-
 dually becomes indifferent to them; they neglect it,
 and their example entirely destroys all spirit of re-
 ligion in the bulk of the citizens, who are incapable
 of remedying the deficiency, and of forming principles
 for themselves. A species of gross Atheism, which
 accelerates the ruin of morals, then becomes pre-
 valent among the people. Attached to earth, they
 no longer raise their thoughts to heaven, and they
 forget the supreme governor of the universe.

Why do I read in the Pensylvanian Declaration
 of rights, that *no man who acknowledges the being
 of a God, can be justly deprived or abridged of any
 civil right as a citizen, on account of his religious
 sentiments, or peculiar mode of worship.* Had you
 any reason to fear that by confining your toleration
 to Christianity, it would not have supplied you with
 sufficient diversity of sects to satisfy every one?
 Will you, under pretence of more speedily peopling
 your country, invite thither the strangest persuasions?
 It would be improper for me to expatiate on a pro-
 posal of this kind. I will only say that the greatest
 legislators have always been less desirous of inviting
 foreigners to their republics a great number of men, than

of forming good citizens, and uniting them by a similarity of sentiments. Recollect, Sir, that the character of your confederacy is as yet only sketched; a war of seven Years has not given to your States a national Spirit. With these circumstances it would be highly disadvantageous to you, that a considerable number of strangers should intrude themselves who would introduce their several prejudices among you, and by these means retard the progress of public manners which ought to unite the citizens by the ties of mutual confidence.

To introduce new religions among you, is to cast into your lap the apple of discord, and to revive that spirit of disputation and controversy which time has so happily silenced. If these new religions gain profelytes, as there is every reason to apprehend from a consideration of the folly of the people, and their fondness for innovations the most whimsical and unaccountable, what should prevent them from exciting hatred, jealousy, and the most bitter animosities? At present indeed the republic would take but little concern in them, for the United States will at first be employed solely in the care of their commerce and agriculture. But when a difference of rank is established among your families, which will but too soon take place; when your population is more abundant; when you are exposed to those dissensions, which disputes between the Aristocracy and Democracy will naturally occasion, what shall prevent avaricious, ambitious, hypocritical and subtle citizens

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from interesting these infant sects in the schemes of their ambition? What has already happened in Europe makes me dread what may happen in America. The questions discussed by Luther and Calvin would have disturbed only the schools, if men of power, who really despised, had not pretended to respect them, in order to gain partisans, and render themselves sufficiently powerful to disturb the state, and advance their private fortunes.

The legislators of South Carolina seem to have deviated more than the rest from those principles which sound policy observes, when obliged to tolerate several religions. They have ordered that whenever fifteen or more male persons, not under twenty one years of age, professing the christian protestant religion, shall agree to unite themselves into a society, for the purposes of religious worship, they shall be, and be constituted a church, and be esteemed and regarded in law, as of the established religion of the state. The spirit of such a law is not, as in the other united states, to tolerate every religion in order to prevent fanaticism, which this on the contrary is calculated only to excite and strengthen. Religion proposes truths of a mysterious nature, the hopes and fears it inspires, must powerfully influence all who are capable of reflection. It is therefore necessary to calm the minds of men, and to prevent controversies. The laws of South Carolina have a contrary tendency. Every one knows how much men are attached to

their peculiar opinions ; how pleasing it is to see them adopted by others , and to rule the understandings of followers. To be at the head of a sect appears a desirable object , and as Carolina suffers every hairbrained young fellow of twenty or twenty years of age to aspire to this honour , by taking advantage of the warmth of his own imagination , and of the ignorance of fourteen thoughtless young men like himself , the consequence will be , that instead of having one rational religion , you will have nothing but enthusiasts and visionaries.

When a republic permits the exercise of various religions , which for the sake of peace , union , concord and charity , all enjoy the same advantages and prerogatives , I should deem it necessary , that the ministers of these several religions should all enjoy the same liberty of teaching their respective doctrines. But I could wish that each church , after having explained its doctrine and discipline in a catechism , should be restrained from making any alteration in it , under pretence of expressing its truths with greater perspicuity , or of arranging them in more regular order ; no part of it should be allowed to be altered. By these means , in each sect disputes and quarrels would be prevented ; the several churches would no longer keep an invidious eye upon each other , in order to watch whether their rights were violated by these innovations ; different religions would interfere less with each other , and a habit of mutual intercourse , without contempt , without jealous

ly, and without animosity, would daily acquire strength.

The irregularities of the human mind and heart are so numerous; time may, and indeed must produce circumstances so various and so unforeseen, that too many precautions cannot be taken against that fanaticism, or against that indifference, which a multiplicity of religions seems calculated to introduce. Why then should not government have its moral and political catechism, which children should learn, at the same time that they are instructed in the particular doctrines of their parents, and in the forms of worship by which they are to honour the Deity. To compose a work of this kind would be not unworthy the wisdom of the continental congress. This respectable body of magistrates, on whom depends the prosperity of the thirteen United States of America, would then declare, that, as the holy scriptures are variously understood and interpreted by different persons, who have pursued truth with intentions equally pure, and with understandings equally good, it would be exceeding the limits of their authority to attempt deciding a point, which divine Providence does not determine in a positive and sensible manner. It is conformable to the demands both of justice, and of piety, that all the various religions of America, while they adore the depth of the divine judgments, should mutually tolerate each other, because Providence tolerates them all with equal indulgence. Let us not judge

our brethren , lest we condemn ourselves. Let the Americans , while they offer the most fervent prayers for the revelation and propagation of truth , adhere with fidelity to the mode of worship in which they were educated. If this should be erroneous , let them be persuaded that divine goodness will forgive the errors of those , who sincerely mean to obey the truth. We may easily be deceived respecting the relation of religion to God , because it is involved in mystery ; but the relation of religion to society is most evidently known. Who can doubt that the design of God was to unite all mankind by the ties of morality , and of those virtues , upon which the happiness of each citizen , and of society depends ?

I well know , Sir , what the religion prevalent in Europe could advance against a catechism of this kind : it is not as a theologian I am speaking , and I only observe that it is a necessary consequence of that toleration which you cannot avoid. All your several religions would thus be as tolerant to each other , as you could wish them to be. Children early imbibing this doctrine , would preserve its principles through life : the citizens would be attached to their respective religion , because they hope from it the inestimable blessings of another life ; and they would not indulge a violent hatred against other religions , because they all procure to their several followers the same rewards , and the same felicity.

But, in order to form and to fix the national character, I wish that the catechism of the continental congress should not stop here. Why may not this work be rendered a compleat treatise of morality, without soaring beyond the capacity of children, or of men, who, either from the dulness or levity of their faculties and minds, will resemble children during their whole life. It is easy to explain the nature of all our duties in a plain, short, and sensible manner, and hence, all may deduce a certain number of corollaries in proportion to the intellectual faculties with which nature has endued them. After having explained the duties of man as man, he should be considered as a citizen, and from this new relation, other virtues would arise, with the love of laws, of country and of liberty at their head. I would afterwards, by familiar examples and illustrations, demonstrate how much these three virtues have need of each other in order to preserve the whole of their dignity. They lead into error, and become debased in value, if not always united. I would avoid all metaphysical reasonings; my design would be to instruct the simple, to furnish those philosophers with principles, who attempt to form magistrates for the republic; to examine the power of our passions, their course, their progress, their connection, to trace our virtues and vices up to their source, to put us upon our guard against ourselves, by shewing how much we are inclined to suffer ourselves to be imposed upon by false appearances of happiness and of misery.

I have enlarged much, Sir, on this Catechism, of which however I offer only a slight sketch; but I require it from the continental Congress, not merely because I think that each of your republics will derive great advantage from it in the administration of its particular government; but also because it will be useful towards strengthening their union, by giving to all nearly the same turn of sentiment. Further to shew the necessity of such a work, I will add, that it is dangerous to establish by law the entire liberty of the press in a new state, which has acquired its freedom and independence, before it has learned the art or the science of making a proper use of it. It is certain that without the liberty of the press, there can be no freedom of thought, and consequently that neither manners nor knowledge can make any progress. Allow every thing to philosophers who study the secrets of nature, who explore truth amidst the ruins of antiquity, and the darkness of modern times, or who write upon laws and the particular regulations, resolutions and arrangements of civil administration: their errors are of no importance; their discussions, whatever they may be, sharpen the understanding, accustom it to a regular progress, and afford information useful to morality and to politics.

But as the Americans are too much habituated to the philosophical ideas, the opinions and prejudices of England, to be suddenly weaned from them; how could it then be expected that they

ould not continue to deduce dangerous consequences from errors which they consider as so many principles, had they full liberty to print every thing, before the continental Congress had established those truths, that are to constitute the morals, the polity and the character of the confederacy. As long as your several republics have not created within themselves a council or senate, as a Palladium, to preserve and perpetuate the national spirit; what inconsistency of doctrine, what extravagancies and irregularities, must you not expect, if every citizen, who possessed a talent for writing, might with impunity entertain the public with his reveries, and attack the fundamental principles of society.

Not thus did those ancient republics, which claim our admiration, conduct their government. They distrusted the weakness of the human understanding, they knew how easily falsehood establishes its empire over mankind; they were acquainted with the passions by which the people are agitated in a democracy, as well as the more serious and consistent passions of an Aristocracy. Hence their care to direct or to repress them, and to proscribe whatever might be prejudicial to morals. Had the art of printing been known to them, it is not probable they would have suffered rash authors to publish dangerous paradoxes, in order to make disturbances, and to excite men incapable of reflection, against those, to whom the laws intrusted government and the public welfare. Sparta

banished from her territory a poet who had celebrated pleasures which she despised; and would not permit the addition of a new chord to the Lyre, which would have rendered its sound soft and effeminate. Rome considered the Sybilline verses* as a sacred oracle which she consulted in the most difficult conjunctures; but she intrusted it only to particular magistrates, and was aware of the danger of leaving it in the hands of a people, incapable of penetrating its sense, and of accommodating it to the maxims of the republic.

I believe, sir, that I should convince you of all the importance of this observation, by reminding you how small is the number of persons capable of thinking for themselves, and of discussing an opinion: the rest are a heap of children, who have no ideas of their own, whom no absurd notions, and whose memory is their whole understanding. If therefore government is designed to direct the turn of thought of such persons, as parents are to guide their children, whose reason is yet immature; will it not follow, that by neglecting to direct the mean, confined, and constant childish understandings of the majority of the citizens, government would be neither less imprudent nor less culpable, than the parent who guarded not his children from dangerous opinions which might mislead their infant reason, as yet too feeble to discriminate truth, and to avoid being deceived by paradoxes and falsehood?

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If, in America as in Europe, sophists and cavillers attack those truths which are the foundation of morality and politics; if men of violent passions sacrifice the first principles of society to their private interests; if immoral writers teach citizens to lay aside the sense of fear, of shame, of remorse and of honour; if others, with equal indifference, put up either truth or falsehood to sale, why should the passions be less impetuous; and produce effects less fatal in America than in Europe? Attend to what passes in our world; it is owing to books written with a view to render vice beloved, that our manners admit of no restraint; they have weakened, or rather destroyed the empire of the laws, they have perverted government, and policy, when not influenced by morals, wanders in the dark, and is extricated from one error, only to fall into another.

I should therefore require every writer to set his name to his work, that if he violated morality, the majesty of the laws, or the respect due to magistrates invested with the executive power, he might be subject to their animadversion. If he concealed himself under a feigned name, why should he not undergo a more severe punishment, as the fiction itself is a proof that he was aware of the crime he committed, and was not betrayed into it through ignorance? In this case, it would be no more than justice, that he should, for some years, be deprived of every right of a citizen in elections.

Though through the whole of this letter I have insisted only on the influence of manners, on the necessity of reforming them, and after this of preventing their decline, in order to have a good government and salutary laws, I acknowledge that I have only given a very slight sketch of this important subject. If those who are at the head of affairs in America desire further information on this head, they will find it in a work published in England about five or six and twenty years ago by Dr. Brown, entitled *An Estimate of the manners and principles of the times*. I never read a work more profound in political knowledge; and the author, after the manner of the ancients, considers in the present, the future period, which he predicts. At first this book had great success in England, the minds of men were terrified with the truths it presented; but the progress of corruption was already so great as to deprive them of the fortitude necessary for reformation, and they slumbered in the lethargy of their vices. However the war of 1756 crowned the English with glory. They were conquerors at sea; their arms were every where attended with the most brilliant success, and Dr. Brown's fears were treated with universal contempt. To avoid all uneasiness on this head, they were resolved not to see that all this prosperity was the work of one man of genius, who suspended the decline of his country, while he suffered the causes of its ruin to continue, and even to increase. This ephemeral blaze of glory is no more; the Americans have found by ex-

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perience that their enemies were crushed by the weight of their own rapacious ambition, and that the manners censured by Dr. Brown have hastened the period of their strength and power, and especially of that national and patriotic haughtiness, which had hitherto counterbalanced the vices of the nation. I am much mistaken, if the legislators of America may not derive much useful instruction from Dr. Brown's work, by following his principles and method.

Before I conclude this long letter, suffer me, Sir, to examine some other articles of the American constitutions, that seem not to provide against the evils with which you are threatened. Do you, for instance, approve of that law, which ordains that the judges of the supreme court of judicature shall be continued in their offices during their good behaviour. At first sight this regulation appears prudent; but the following are my objections. I should apprehend that persons, who may aspire to these dignities, might think their expectations too long deferred, and be tempted to intrigue in order the more speedily to accomplish them. These will lay snares for the judge whose seat they covet, they will excite secret enmities against him; for of what stratagems and perfidious arts, is not intriguing ambition capable? If the magistrate opposes his probity alone against the attacks of those who envy him, and falls a victim to them, all is lost; and his successors, soon persuaded of the impotence of virtue, will oppose

only intrigue against intrigue. Concessions will be made in order to procure powerful friends and protectors; justice will no longer hold an equal balance; and nothing is more fatal to public manners, than the malversation of judges in the administration of justice. The laws then lose their credit; for means are easily found to elude, under pretence of rendering them more equitable.

My fear, or rather my zeal for your interests leads me perhaps to exaggerate these dangers. I will allow therefore that the spirit of intrigue so common in Europe may be for ever unknown in America. But what will be the consequence of this? Your magistrates will at first be very attentive to their duty. None of them will be deposed, and from always seeing them hold their seats till their death, men will be accustomed to think that they were given for life. The successors of these respectable persons will be delighted with an opinion that gratifies their vanity, and will eagerly adopt it. Then the evil will commence; then these once upright magistrates will become relaxed, negligent, and inattentive to their conduct: slight faults will at first be overlooked, because degradation, till then unknown, will seem a punishment too severe. Hence crimes will be multiplied, while custom will destroy the sense of their guilt; and from their vices, thus at last become not disreputable, the judges will derive a kind of privilege or right to continue their ill conduct. This prediction is by no means void of foundation; for lawyers,

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yers, more artful than other men, proceed slowly and gradually; nor will the republic be sufficiently fortunate to experience any glaring act of injustice on their part, which shall compel it to attend to its interests and to apply a remedy to these abuses.

As I am upon the subject of courts of judicature, permit me to add a word or two concerning courts of equity. This establishment might be useful in England, when it was subject to the feudal policy, and the laws of course were equivocal, rude and imperfect. At that time the least evil might pass for a good. But America is not in similar circumstances. I am a strong advocate for the Judges following the letter of the law. If in any particular case, they should think it obscure or unjust, instead of assuming the office of legislators, let them consult the legislative power. I fear lest courts of equity, under pretence of deciding according to the spirit of the laws, should corrupt and pervert them, by rendering them arbitrary. To me my fears appear more reasonable, as in every nation of Europe, lawyers have endeavoured only to render the sense of the laws more obscure and undecided. It is hence they derive their importance. We should have less need of them, if they did not conduct us in the paths of a gloomy labyrinth. I repeat it: if a law is equivocal, or seems too severe and contrary to the dictates of humanity, recourse should be had to the legislative authority, which alone has the right to amend

it : and it is of the utmost importance to the safety and tranquillity of the citizens , that no court of justice should at pleasure form a jurisprudence of its own , which might easily degenerate into a most intolerable tyranny , because it would soon become subservient to all the passions of the judges.

I beg leave , Sir , to observe that there are in the constitutions of America , several laws , which one cannot help at once approving and condemning. The republic of Massachusetts for instance ordains , that *as in times of peace armies are dangerous to liberty , they ought not to be maintained without the consent of the legislature ;* and adds , that *the military power shall always be held in exact subordination to the civil authority , and be governed by it.* This law plainly discerns , but does not prevent the danger. Why are only times of peace mentioned ? Is it because armies are more disposed in times of war to be subject to the civil authority ? Examples of generals , who have inspired their armies with ambition like their own , are so frequently to be found in history , that persons of the least education will scarcely credit such a paradox. The purpose of this law is vague and imperfect. It is not enough to declare that the army ought to be subordinate to the civil authority ; this is a truth comparatively trivial ; but the legislature should take every possible measure and precaution , in order to secure the continuance , and to prevent any interruption of this subordination , when

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once established. How much care is necessary in every free state to render the citizens good soldiers, and yet to prevent their abusing their power. Neglect these, and you will again behold a Sylla, a Marius, a Cæsar, a Cromwel, a Walstein.

New York ordains *that the militia at all times here after, as well in peace as in war, shall be armed and disciplined, and in readiness for service.* It is easy to see how much is yet deficient in this law. Pennsylvania declares *that the freemen of this commonwealth and their sons shall be trained and armed for its defence; under such regulations, restrictions, and exceptions, as the general assembly shall by law direct, preserving always to the people, the right of chusing their colonels, and all commissioned officers under that rank.* This regulation has the same defect with that of New York which I have just mentioned. It appears as if the legislator had confined his view to the end proposed, without considering the means of attaining it. In whatever view I examine the legislation of your republics, I cannot discern those relations, which unite the interests and the inclinations of the citizens. I perceive not that harmony, which preserves all the departments of the state in a kind of equilibrium, and gives them one common spirit.

You may be assured, Sir, that your people, whose supremacy the laws have so evidently established, will be difficult to manage, because they

will feel their power. As they are armed for the defence of their country, they will be jealous of their dignity: they will also be uneasy and suspicious, from seeing that some of their fellow citizens, who are not at all superior to them in point of rights, are nevertheless so proud of their fortune, as to refuse to mix with them, and affect a certain superiority. This is an incurable disorder, incident to all free states in which property is very unequally divided. If this leaven of envy, jealousy, and ambition cease to act, it is a certain sign that the sense of liberty is too much enfeebled and dispirited to be of long continuance. But if it ferment with too much violence, the republic will suffer shocks and commotions, that will infallibly terminate in its ruin. What is then the regimen best suited to such a constitution? This will in my opinion, consist of conciliatory laws, which, without depriving the poor of any of their rights, will prevent the rich from the abuse of those passions, which their wealth inspires. The people derive from the mediocrity of their fortunes a kind of moderation, from which, unless irritated by contempt or injustice, they seldom depart. Wealth, on the contrary, inspires its possessors with a vanity, which is the more insolent, as it is void of reason. It wishes to govern, and assumes the wish as a privilege. Why then do not the other United States proscribe entails, after the example of Georgia, where they are prohibited? Why tend not the laws to divide those fortunes, which the avarice of the wealthy

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would accumulate without end? Why do they not, by marking luxury with contempt, deprive rapacity of the aliment that feeds, and renders it insatiable. Had the American constitutions been established upon these principles, I should have observed with pleasure, that you were aware of the danger to which your republics are exposed, and had, at least, endeavoured to establish in the state a bond of peace and concord, and to fix liberty on a firm and lasting basis.

I have often with satisfaction surveyed the Swiss Cantons. Some of them possess little provinces in common, of which they are sovereigns: their forces are very unequal; different laws, and religions so inimical every where else, in this happy country cause no dissensions. They are held together by a tie less powerful, and less regular, than that which connects the thirteen United States of America; yet they enjoy that order and tranquillity, for which these perhaps may wish in vain. The Cantons have never suffered any dissensions except of short duration, which left not the seeds of hatred, of envy, or of ambition. Whence is this confederacy governed with so much prudence? Why is democracy in some of the Cantons, free from those capricious irregularities, which are so natural to it? Whence does an aristocracy, which from its nature is suspicious and insolent, become, as in the Canton of Berne, a paternal government? Why do the magistrates there con-

sider themselves as the agents, not the masters of the community.

The more you enquire into the causes of this happy administration, the more you will be convinced that it is an effect of that silence, which the Swiss have imposed upon passions the most natural to the human heart. They have carefully avoided all temptations, that might induce magistrates to be ambitious and unjust. By these means, the people are full of confidence and security, and love the laws on which they depend. Their country is dear to them, and they behold without uneasiness and impatience, those little omissions and errors, which are the inevitable consequences of human imperfection. They inhabit a poor country, which preserves them from all those importunate wants, that depopulate and disgrace wealthy nations. The foreign service in which they are engaged, produces two beneficial effects: it forms soldiers for them, notwithstanding that peace, which they love and enjoy; and it rids them of those irregular subjects, who cannot be satisfied with the simplicity of Helvetic manners.

These reflections have induced me to think it extraordinary, that the United States of America, as they possess fertile lands, and are situated in a manner the most favorable for an advantageous commerce, should not have foreseen that they will soon be exposed to all those abuses which ne-

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ecessarily attend upon great wealth. Their legislators ought therefore to have known, that their republics would not find it easy to preserve those manners which liberty requires. Consequently they should not have been satisfied with recommending generally the practice of some virtues; they should have omitted no method, which might familiarize and render them beloved.

It must be acknowledged, fir, that the Americans have established their independence amidst unfavorable circumstances. The times are now no more, in which the minds of men, forcible, elevated, and bold, were at once capable of the most sublime virtues, and the most violent acts of injustice. The Swiss, too poor to have the vices of our age, and united by their poverty itself, rose in arms against masters, whose oppressions and cruelties had at last exhausted their patience; in this enterprize, they could propose no object except liberty and honour; for to them all other objects were unknown. Your colonies on the contrary, already corrupted by their relation to the mother country, envied its wealth as much as much as its liberty: and it is for this reason I could have wished, as I have before observed to you, that a long and difficult war had substituted new passions and new ideas, in the stead of those, with which you have been supplied from Europe.

I return to the Swiss, and the more I examine their confederacy, the more I am persuaded that

they owe the perpetuity of their manners, and of their equality, to the happy resolution of having no fortified cities, nor any fortrefs in which it might be necessary to keep a garrison, that is, mercenary troops, who are mere soldiers, and who are never better pleased, than when they can intimidate peaceable citizens, and make them feel their pretended superiority. Hence the magistrates, not having troops at hand, of whom they have the disposal, necessarily become habituated to a conciliatory and equitable conduct. They are the more cautious in their undertakings, because as their imaginations are not accustomed to dwell on bold projects, they are not liable to be misled by groundless hopes. With fortresses; with mercenary garrisons under their command, the magistrates would have been sensible of a power, which would have rendered them more confident, consequently less circumspect, and more unjust. Fortresses would have been multiplied, under pretence of defending the country against invasions; and at the same time, those magistrates who were most actuated by rapacity and ambition, would not have failed to render the citizens forgetful of their former military spirit, by pretending to indulge their taste for tranquillity, and for the pursuits of agriculture.

In this case, what would have been the fate of those smaller Cantons, where, under the protection of excellent manners, the freest and the purest democracy still prevails? Would the citizens still

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continue to assemble under an old oak, or an old fir, to deliberate without art on public affairs, as in those ages, which reflect the greatest honour on humanity? Those Cantons, in which democracy is now tempered by the laws and customs of a moderate aristocracy, would then long since have been subject to aristocratical nobles, that is, to tyrants. Even Berne, the aristocracy of which has none of those defects, which seem to belong to this mode of government, would not have failed, by enslaving its own citizens, to destroy the Helvetic league. The ambition and avarice of this republic would have led it to abuse its power: Berne would have enslaved those allies, whose rights and alliance she now so religiously respects,

You will perhaps tell me, sir, that all your republics have cities and ports on the sea coasts, or near the mouths of large rivers, which it is necessary to fortify. I know of what importance it must be to you to defend the entrance of your ports, by fortresses and garrisons constantly maintained, if you wish to be your own masters. I can also conceive, that in the interior part of your country, you cannot avoid erecting some forts, to prevent the incursions and depredations, which the savages might otherwise make upon your territories. Have therefore castles and garrisons, as your provinces are not naturally fortified like those of Switzerland; but never suffer these places of strength to be at the disposal of the magistrate of the country, in which they are erected. That they would

be tempted to make a wrong use of them, is an apprehension which I cannot lay aside.

I should therefore require that these forces were intrusted to the direction and orders of the continental Congress. As this alone, by the forms of your confederacy, is invested with the power of treating with foreigners, it ought also to possess the power of commanding troops destined to commit hostilities against them. These garrisons, who should be prohibited interfering in civil affairs, and should receive no orders except from Congress, would never become a weapon in the hands of magistrates; and thus the civil power, having none but mild and conciliatory means to calm the minds of the people when agitated, would be obliged to adopt a policy suitable to their circumstances. The citizens, on their side, having nothing to dread, would at length be habituated to obey the laws, not from motives of fear, but from principles of respect and affection. Hence would arise universal security. The rich would not abuse their wealth, or at least these abuses would be longer deferred, and attended with less haughtiness. The people, armed like the Swiss, and forming the real strength of the state, would render themselves respected, even in their submission and their poverty. None of your republics can, in my opinion, have any thing to fear from the measure I propose. Is it possible to suspect, that the continental Congress can, at any time, wish to abuse the forces I would resign to

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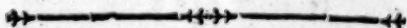
their disposal, toward usurping an authority fatal to the liberties of the United States? Does not this respectable body consist of members, who have already passed through the several offices of their republics, who have contracted its manners and habits, and who must soon return to the class of private citizens? But if we suppose they could be mad enough to form such a conspiracy, of what avail would be their fortifications, their castles, and their garrisons, in opposition to the militia of your thirteen republics united?

PASSY 13th of August 1783.



L E T T E R IV.

Of the dangers to which the American confederacy is exposed: the rise of disturbances and factions: the necessity of augmenting the power of the continental Congress.



ALL Europe, sir, after having feared that you would not have been able to resist the power of Great Britain, is now delighted with the unremitted courage and perseverance you have exerted, and the success with which they have been crowned. The preliminaries, which secure the independence of America, are already signed, and we are at this moment, on the eve of seeing them confirmed by solemn treaty. Every nation, while it views a new branch of commerce opening to its industry, thinks only of enriching itself with the spoils of the English. I daily meet with those money-loving politicians, who envy not your liberty, but the wealth, that will pour in upon you from the four parts of the world. They already behold the seas covered with your ships, and regarding gold as the nerve of war and of peace, and the object of the most profound policy, hesitate not to promise you the greatest prosperity.

For my part, I must acknowledge, on the contrary, that this prospect of prodigious wealth makes me trem-

tremble for the lot that awaits you. After the three letters I have had the honour of writing to you, you cannot be surpris'd at this declaration. I cannot help reminding you of Plato, who to secure the happiness of a republic, would not have it established either on the sea shore, or on the banks of large rivers. This position, says he, would expose it to the dangers of commerce. Strangers, who would not fail to bring hither their superfluities, would accustom the citizens to new wants. Allured by these novelties, the citizens soon become unable to live without them, and induced by passions before unknown, imagine they render an important service to their country, by not waiting the arrival of strangers to supply them with articles of commerce. They wish in their turn to cover the rivers and seas with their boats and ships, arts and manufactures are encouraged; yet every bale of merchandise, imported or exported, will certainly become, like Pandora's box, a source of evils to the republic.

If, Sir, this doctrine, which in order to conceal our folly from ourselves, we term savage, or perhaps ridiculous, is worthy of credit, what consequences fatal to the United States of America must flow from it? Plato would certainly think that your republics could not promise themselves a lasting prosperity; even though they should now repair all those omissions, which have escaped the attention of your legislators, and concerning which I have taken the liberty to detain yours, in my

preceeding letters. This philosopher would tell you, that by establishing the government on a more regular basis, by so artfully framing and arranging the laws, that they mutually support each other, and interest the affections of the citizens, you may delay, you may suspend the course of your misfortunes, but you will not prevent them; and you will at last be the victims and dupes of the temptations, to which you will be exposed.

This Plato is rather an unmanageable gentleman, He had calculated the powers of human reason, and those of our passions; he knew the source of our vices, and the fatal chain that connects them with each other. Perhaps he would have the assurance to tell you, that the savages, who wander about your frontiers, are less remote from the true principles of civilization, than those nations that cultivate commerce, and are fond of wealth. Savages, would he add, cannot reason regularly and methodically concerning the rights of humanity; but all the principles of these are deeply engraved in their strong and vigorous minds. They will not fear to practise any virtue, the moment they are convinced of its utility; they will cultivate it from sentiment; while nations, more proud of their knowledge, yield to an instinct, that leads them into evil; and at last invent arguments to defend, or rather to approve their conduct.

But let us, if you please, Sir, apply to a philosophy less austere, and better suited to the pre-

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sent manners; and permit me to give you Dr. Brown's sentiments upon commerce. "From a candid view of its nature and effects", says he, "we shall probably find, that in its first and middle stages it is beneficent, in its last, dangerous and fatal."

"If we view commerce in its first stages, we shall see, that it supplies mutual necessities, prevents mutual wants, extends mutual knowledge, eradicates mutual prejudice, and spreads mutual humanity."

"If we view it in its middle and more advanced period, we shall see, it provides conveniences, increases numbers, coins money, gives birth to arts and science, creates equal laws, diffuses general plenty and general happiness."

"If we view it in its third and highest stage, we shall see it change its nature and effects. It brings in superfluity and vast wealth; begets avarice, gross luxury, or effeminate refinement among the higher ranks, together with general loss of principle."

"Industry, in its first stages, is frugal, not ungenerous: its end being that of self preservation and moderate enjoyment, its little superfluities are often employed in acts of generosity and beneficence. But the daily increase of wealth by industry, naturally increases the love of

" wealth. The passion for money, being founded
 " not in sense, but imagination, admits of no sa-
 " tiety, like those which are called the natural
 " passions. Thus the habit of saving money,
 " beyond every other habit, gathers strength by
 " continued gratification. The attention of the
 " whole man is turned upon it; and every other
 " pursuit held light, when compared with the in-
 " crease of wealth. Hence the natural character
 " of the trader, when his final prospect is the
 " acquisition of wealth, is that of industry and
 " avarice".

" What is true, in this respect, of trading
 " men, is true of trading nations. If their com-
 " merce be that of œconomy in the extreme, if
 " the last object of their pursuit be wealth for its
 " own sake, if the leaders of such a people be
 " commercial, the character of that people, and
 " its leaders, will be found in industry and avarice."
 " rice."

To an authority thus weighty, I might add that
 of Cantillon, a man of a most penetrating and
 extensive genius. He had himself carried on a large
 commerce, and had explored all the springs by
 which it is moved and influenced, and which
 merchants, bankers, stockjobbers and speculators
 in business invariably obey. It is plain that money
 is the soul of all their operations; that though they
 indeed inhabit a land, they have not a country;
 that their rapacity is imperceptibly communicated

to the rest of the citizens, who, as they have always new wants, can never have a competence of fortune. Afterwards, considering commerce in a political view, he evidently proves, that all the power it ever does, or possibly can confer upon a nation, is transient and momentary. That opulence, of which it is so vain, soon vanishes, because as the expences attending a lucrative commerce are increased, its own manufactures are neglected in search of those of a poorer people, among whom labour can be purchased at a lower price. Then, because commerce is ruined, and money becomes scarce, governors are accused of folly, or of neglect, as if it were in their power to alter the nature of things.

However, observes Cantillon, during the momentary opulence, which such a nation may enjoy, it becomes intoxicated with its prosperity, forms chimerical notions of its power, despises its neighbours because less wealthy; usurps a right of ruling, or at least, of treating them with insolence. From ambition, vanity, ignorance, qualities which easily coalesce, it blindly plans undertakings beyond its strength. Hence loans, and all that wonderful management, by which an extensive credit is acquired. But as men are never sufficiently wise to be reformed by experience, banks are invented, in order to substitute paper instead of coin, of which they are destitute, and it will soon be asserted, that credit is the true source of national power. Vain resource! Of Banks, the imaginary

wealth speedily vanishes; and endeavours are made to restore trade by force of arms, without perceiving that war will absorb more riches, than the most successful commerce can supply. I will add no more, Sir, as I think Cantillon's work must, already have crossed the Atlantic,

If what I have now written, in which I have copied Dr. Brown's own words, and expressed the sentiments of Cantillon, be allowed as an incontestable truth, illustrated by innumerable facts; have I not reason to indulge some apprehensions for the future circumstances of the United States of America? How can I be otherwise than uneasy on this head, when I see that their local situation invites, solicits, compels them to give themselves up to commerce. Your towns are filled with citizens, who previous to your revolution, had already adopted all the ideas of the English concerning national commerce, wealth, and prosperity, and who are not yet undeceived, though they now see, that England is poor in the midst of all her envied riches, whence, as is evident from her war with you, instead of advantage, she derived only confident temerity, and delusive hope.

What measures have your legislators adopted to set bounds to commerce, and to fix it in that happy mediocrity, which, according to Dr. Brown, is yet consistent with some virtues? I am certain that if the passions are allowed the least hope of

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success, not all their laws could form an effectual barrier; but I should at least have had the satisfaction of observing, that attention had been paid to the principles of sound policy, and that these regulations might retard the progress of those vices, which, with Plato, I cannot help apprehending.

Instead of this, the republic of Massachusetts; which should be an example to the rest, resolves to encourage private societies, and public institutions, rewards, and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country. They have perhaps presumed, with Dr. Brown, that a mediocrity of commerce might be productive of some advantages to the community; and without attending to the remainder of his argument, have concluded, that a more extensive trade would produce yet greater advantages. Whereas they ought, on the contrary, to have discerned, with Plato, that this mediocrity of commerce, by exciting passions the most unruly, is the source of a number of vices, the influence of which will prevail over that of government and laws.

Permit me, Sir, to adopt the method of Dr. Brown, whom I hold in a most respectable light, and to trace, step by step, the progress of those evils, which I apprehend for the United States of America. At first, and as long as your principal cities seek only to extend and multiply their

connections and business, the republic will appear tranquil and flourishing; because, as the citizens begin to be a little diverted from attending to the interests of the commonwealth, by the cares and employments of their private commerce, they will no longer have that ardour, that zeal, that love for the public good, which, though a virtue of the first rank, is often productive of violent dissensions, sometimes of jealousies, and of a species of faction, which timid dispositions almost always mistake for the commencement of sedition and insurrection, but which is indeed nothing more than a ferment necessary to elevate the mind of men, and inspire them with strength, courage and constancy. The cultivators in the country will as yet perceive only the advantages of commerce: the produce of the earth will acquire a new value: Encouraged by the profits of agriculture the labourer will clear uncultivated lands? population will increase, because children are no burden to their parents; and at the same time, manufactures will be established in every place, which will be equally serviceable in promoting commerce and agriculture.

As yet, this picture presents nothing formidable to those, who are not accustomed to peruse the page of futurity. Here nothing offers itself to the view, but a people blessed with plenty, and cultivating with ardour the most useful arts. But let us examine the infant and growing vices, which are concealed under these flattering appearances, A

spirit of commerce will, in my opinion, soon become the general and predominant spirit of the inhabitants of your cities. Those, who do not entirely resign themselves to its influence, must submit to comparative poverty, and sink themselves beneath the level of those traders, whose wealth is daily increasing. I believe that those, who are thus newly enriched, will at first have only that gross and foolish vanity, which wealth inspires. Without despising those citizens who have been less fortunate, they will only deem their own abilities greater. Their ridiculous presumption will not, for some time, prevent their being plain quiet people. But after the second, or, at furthest, the third generation, do you imagine that their children, born in the midst of wealth, will not have the passions, which it infallibly inspires? With what eye then will they behold that equality, which your laws were intended to establish among citizens? They will have no idea of those inalienable rights of sovereignty, which you have ascribed to the people. As, among all nations, whether ancient or modern, riches have been the source and principle of that nobility, of which men are so vain; what miraculous circumstance shall prevent their dividing families in America into different classes? Wealth establishes the most essential and sensible difference between man and man; whence then can you expect, that, among you, it will suffer the poor to enjoy equal advantages with the rich? Your constitution must therefore necessarily undergo a dissolution. It is because

I thus foresee the revolution, with which you are threatened, *urgent fata*, that I prefer to the rest, the constitution of Massachusetts, as prescribing the narrowest limits to the Democracy, and as preparing the republic for its inevitable transition to aristocracy, without exposing it to those violent and convulsive commotions, which Pennsylvania will probably experience, and which in all likelihood, will reduce it beneath the yoke either of an oligarchy, or of a single tyrant.

I return, Sir, to the inhabitants of the country, and I will allow that, at first, while fully employed in the care of their crops, and of their agriculture, they will be contented with their condition, and, provided they can sell their produce at a high price, will pay but little attention to what passes in cities. But to every thing human there is a period; and when these men, after having for a while neglected public concerns, begin to derive the greatest possible advantages from their possessions, and become vain of their leisure, their number, and their easy circumstances, can it be expected that liberty will not engage their attention? Will they with indifference behold the haughtiness of cities, and the arrogant claims of cities. They had never before thought of ambition, they had scarcely attended even to the circumstance of their being free, because they depended upon that equality which the laws had established. But when they behold the haughtiness of the wealthy, and have reason to fear that they wish to seize

ye whole of the public authority, 'will these men,
 o a who are accustomed to the use of arms, and who
 pr will feel their strength, patiently submit to be-
 ac come the subjects of an aristocracy? The Roman
 tab republic was ruined from the moment their laws
 t and manners were in opposition to each other.
 hic With you likewise, a Gracchus, an able ambi-
 ich tious man, or a violent orator, will be suffi-
 ke cient to excite your citizens against each other,
 and to involve them in that anarchy, which but
 too frequently terminates in all the rigours of
 despotism.

Such, Sir, is the catastrophe which I dread.
 In vain will you make laws, if they are not sup-
 ported by manners. In vain will you recommend
 the practice of a few virtues, if you have not the
 power to protect them, by an early and resolute op-
 position to the wiles and stratagems, as well as
 the force of the passions. This is an awful
 truth; and is the more formidable, as the vices,
 the prejudices, and the opinions of Europe have
 perhaps already gained so much ground in Ame-
 rica, as to leave no hope of your establishing li-
 berty upon a permanent basis. Alas! why have
 you not in your republics, more citizens like that
 truly great man, to whom you are so much in-
 debted? Prudent as Fabius, when it was necessary
 to temporise, enterprising as Marcellus, when it
 was proper to act, he might have been a Crom-
 well; but, influenced by that pure love of glory
 which constitutes the hero, as soon as you ne-

longer needed his sword to defend you, he resigned his authority, retired to his estate, and proved that there still remains an instance of the ancient virtues of the Roman republic.

Though perhaps circumstances may not allow you to prevent the evils I apprehend, you ought nevertheless to adopt such measures, as are best calculated to retard them, and at least to secure a tranquil, and, as it were, imperceptible revolution. This is an obligation which probity imposes on every good citizen. If insuperable objections prevent the attainment of the end proposed by civil government, we should at least endeavor to enter upon the path that leads to it. Is it then of no importance to retard the course of our passions, the too rapid progress of our vices, to protect and encourage virtue, and, for a time, to prolong the tranquillity of the republic? I intreat, I beseech those citizens, who by their genius and talents, seem designed in the schemes of providence, to assist, with their understanding and knowledge, those multitudes that pursue happiness, but are liable to seek it where it is not; conjure them, by every regard for their honour and fame, to reflect that they now hold in their hands the lot of all their posterity. If they suffer the favorable moment to escape them, while the minds are yet animated with that courage, the strength, and that cheerfulness, which is inspired by liberty recently obtained, and purchased by arduous labours; it will become too late to attempt

reformation. You may be assured that the minds of men will cool amidst the tranquillity of peace, and become incapable of any generous effort. If English prejudices now prevent you from establishing your government on the best principles, the habits you will contract will daily increase your attachment to them, and, as I have already observed, it will be too late to retrieve your error.

I well know that persons of the most enlightened understandings, when, on every side, they meet with nothing but insuperable obstacles to the good they propose, are apt to be too much discouraged in their enterprises, and frequently give way to the fatal temptation of leaving every thing to those events, which determine the laws and manners of a nation. Nothing can in fact, be more mortifying to a citizen of superior abilities, than the idea that he can execute no more than a slight sketch of his design. What he is permitted to carry into execution he thinks unworthy of him, he retires from the administration of public affairs; and, from a fear lest he should be accused of having caused the evil, which he was not suffered to prevent, he neglects his duty and the interests of his country. The annals of antiquity afford many instances of great men, who because they prudently complied with the influence of circumstances which human wisdom could not alter, have had no other choice left, than that of selecting the least defect; but the equitable page of history has done them justice, and, in the appa-

rently imprudent measures they have adopted, but discerned all that knowledge, and all those talents which, had circumstances less unfavorable occurred they would have displayed with greater splendour. You have many citizens equally distinguished by their virtues, and their abilities. With several of these I have had the pleasure of being acquainted and in this class, I rank the colleagues, who were assigned you, and with whom you have happily compleated the work of your independence. Whatever future lot may await America, you may be assured, Sir, that posterity will do justice to your joint endeavours, when they see that you have taken every possible measure to restrain the passions, and to oppose the rise, or, at least the progress of abuses. They will never reproach you with the evils of which they may complain but will say of you, as Horace did of Regulus;

“ Hoc caverat mens provida Reguli; ” —

and will acknowledge that it would have been happy for them, if your successors had exerted similar prudence and fortitude, and had continued to govern them according to the same principles.

If you take proper measures to prevent commerce from multiplying your wants; if you oppose the progress of luxury, if your laws are prudently diffident of women, by whom corruption has been introduced into every republic; if you set bounds to the ambition of the rich, who are nat-

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naturally inclined to think that every thing is their due, because possessed of that wealth, to which every thing submits ; in a word, if you endeavour to establish among all your citizens, and among all the departments of your government, such an equilibrium, as leaves reason to conclude that you have exerted every possible effort to fix liberty firmly on the basis of laws, you need not fear that the evils, with which America may at any time be afflicted, will be imputed to you. The cause will be ascribed only to those unfavorable circumstances, amidst which you were constituted. Our first legislators, will the wise observe, as they could not adopt the spirit of Lycurgus, have assumed that of Solon : they have given us, not perfect laws, but those of which we were susceptible, and it is only those vices which they could not possibly eradicate, that are now hurrying us on to the brink of ruin.

But however this may be, Sir ; it is beyond a doubt, that as soon as your republics are enriched by an extensive commerce, their citizens will assume the genius and character peculiar to traders. The most sordid interest must become prevalent in banks and counting-houses, where they are accustomed to determine the value of every thing by its weight of gold. It has long been asserted, that traders have no country, and that they will sell it together with their liberty, to any that will purchase them. See into what degeneracy, the United Provinces of the Netherlands are fallen.

They are no more than the empty shade of a republic. Though formed by a war of eighty years duration, and, till the peace of Utrecht, concerned in all the great transactions of Europe; they could not preserve their courage, and love of liberty, during the calm of a peace of thirty years, which had extended their commercial connections, and increased their wealth. Not a single spark of that genius, which John de Witt excited, has since been found among them; a revolution, the most astonishing in a free people, has taken place with the utmost facility, and was the work of a moment.

I must acknowledge, Sir, that I fear a much worse event will befall the Americans; that by paths more difficult and laborious, they will be impelled to a revolution much more destructive than that of the Dutch. To justify my apprehensions, let us return to an examination of the progress of the passions in society. As soon as the inhabitants of your cities, corrupted by their wealth, look down with contempt upon husbandmen and mechanics, it is to no purpose that your laws have established the most perfect equality. These favorites of fortune will aspire to constitute families of a superior rank. If they have sufficient prudence, and command of themselves, to soothe the passions, to avoid offending prejudices, and to proceed gradually; let me ask you, what must be the result of a revolution, which takes place, without resistance, without commotion, without any

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hidden change, and merely because knaves have none except fools to dupe? After having tried, and felt the patience of the people, will the ambition of the wealthy be satisfied with a secret and clandestine authority? They will not think that they possess power, if obliged to conceal or dissemble its extent: in short, ambition is not like avarice, which sometimes buries its treasures, and chooses to affect the appearance of poverty. It is not that they wish to do evil, it is the power alone of doing it which they desire; but the act will soon follow. Nothing is more rigorous than the dominion of avarice, because it is insatiable, and the whole wealth of the state will soon be possessed by men, who were already corrupted by their own.

But if, on the contrary, such a revolution is not effected by slow and fraudulent measures, if the wealthy openly, and without address, aspire to govern; it is certain that their fellow citizens, whom they would treat as subjects, will not submit to the usurpation: indignation will inspire them with courage: they will forcibly reclaim the laws, and the inalienable authority of the people. Accustomed to regard the magistrates as their stewards, they will, in their anger, treat them as insolent, and dishonest servants. If in these conflicts the democracy is triumphant, it is easy to perceive that anarchy must be the result. What laws will then be respected? What form will be given to the government? Will a Medæa arise,

as in Florence, and usurp the sovereignty of his country? It is impossible to foresee the event of this; because, though there is but one way of acting right, there are a thousand of doing wrong. If, on the contrary, an Aristocracy is erected upon the ruins of liberty, it will necessarily abuse its authority. The more courage the people have displayed, the more will its timidity render it suspicious and violent. Perhaps it will degenerate into an oligarchy, and triumvirs will quarrel for the honour of subduing the people, under the pretence of avenging their cause.

My friends often laugh at me and call me Prophet of ill, and I acknowledge, Sir, that I am so well acquainted with mankind, as not easily to hope for good. But in what I have now said, I cannot think that I have at all exaggerated. When we see an irregular legislation, we cannot well be too apprehensive, as history proves that the slightest inattention of the legislature may occasion the greatest disorders. I foresee that revolutions will happen in the United States of America; but this is not all; the worst is, they will not be effected, like that in the United Provinces just mentioned, without disturbance, violence, and commotions.

It is necessary to observe that this republic, when it shook off the yoke of Spain, as you have shaken off that of England, easily became habituated to obey a stadholder; a magistrate, whose almost regal authority held and united to-

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gether all the ill connected parts of the confederacy. The virtues and talents of the first Princes of Orange long supplied whatever was deficient in the construction of the government; and, on the other hand, the dread of the house of Austria, as Grotius observes, engaged these new republicans in cares too important not to suspend the ill effects of their commercial spirit. The peace of Westphalia, and an amazing increase of wealth altered their dispositions and introduced dissensions. They distrusted the office of Stadholder; they thought it no longer necessary; they abolished it, because they no longer feared Spain; and the republic would then have fallen a prey to the most violent dissensions, had not Lewis XIV. engaged its attention, by alarming its fears. Parties united; the De Witts perished; the young Prince William III. was made Stadholder; and Holland, inspired with resentment against France, and governed by the ablest politician in Europe, was too far engaged in all the great wars, not to resume some degree of that spirit, with which it was animated in its infancy.

After the death of William, the united provinces, having again abolished the office of Stadholder, acted a very important part in the war for settling the Spanish succession. Their troops, before this too much neglected, now resumed their former discipline and courage. But the peace of Utrecht was not less fatal to them than that of Westphalia. Trading magistrates, ambitious, yet

rapacious, neglected their honour, and were en-
 tirely engaged in the care of their commerce. Eu-
 rope was weary of a war by which she had been
 exhausted; and during the tranquillity of peace the
 united Provinces fell into the character natural to
 them. They declined without perceiving it. The
 nobility thought their rank next to that of the
 Stadholder, and saw with displeasure that some
 plebeian families, of greater wealth and abilities
 than the rest, had got possession of the public
 authority in their provinces. The rest of the com-
 mons, as they thought themselves degraded in
 being excluded from aspiring to the magistracy,
 longed for revenge, and wished for a revolution.
 The people, deprived of their suffrages, were over-
 looked, and only waited for a signal from the male-
 contents, in order to declare themselves. Com-
 plaints, murmurs, animosities increased every
 day, and war, caused by the Austrian succession,
 once more came to the relief of the United Pro-
 vinces. Magistrates, who had abused their power
 during peace, were incapable of properly exer-
 cising it in this important crisis of affairs; a Stad-
 holder was tumultuously demanded; he was im-
 mediately proclaimed. His dignity was rendered
 hereditary, because it was supposed the republic
 could not subsist without it. This power, being
 of greater weight, than that of all the factions
 that had been formed, extinguished all their ani-
 mosities, gave them new interests, and obliged the
 Dutch to confine their attention to the concerns
 of their commerce.

I would desire the United States to reflect that, though they are threatened with the same divisions, the same disorders, they have not the same resource. I mean not, Sir, to blame your republics, for not having established among themselves an office similar to that of a Stadholder. This is not at all my opinion; nor can that prudence be sufficiently praised, with which you have so limited the power of your magistrates, that they cannot entertain even an idea of abusing it. In this respect you are perfectly secure; but you are by no means safe from those dangers, to which a commercial spirit, and an imaginary prosperity, must continually expose you, and on which I have already sufficiently insisted. During the war you have had such powerful conviction of the advantages of your union, that this sentiment will not be soon obliterated, but can you hope that it will endure for ever. Each confederate Province of the Netherlands, is constantly reminded by its weakness, and the small extent of its territory, that it owes every thing to its union with the rest. In America on the contrary, several of your republics, when they have cultivated to the best advantage the lands they possess, may indulge the hope, not only of subsisting separately, but even of becoming a very considerable power. They will then regard the interests of the union, as a kind of servitude. You will also consider, Sir, that you have not, like the United Provinces, neighbours who alarm you, of whom you must be watchful, who suspend the activity of the

passions, and force you, in spite of your selves, to take measures for your safety. I heartily wish, Sir, that Canada could alarm you still, as it did when subject to France. But it is scarcely probable that England, undeceived with respect to the hope of subduing you, which she ought never to have entertained, will sacrifice the advantages she promises herself from your commerce, to I know not what sentiments of revenge and pride, which are perhaps already extinguished. The Spaniards, on the other hand, possess in America too much useless territory, to think of making conquests: Your other neighbours are savages, who are satisfied with their deserts, and envy not your possessions. You have therefore none to fear except yourselves; and if the United States rely too much upon that sense of security which such a situation inspires, shall I not have reason to apprehend for them, the evils which I have already enumerated.

I shall perhaps be told that if any of your republics should be torn with dissensions, the neighbouring states will interpose their mediation and soon succeed in reestablishing peace and harmony. Vain hope! Who knows not the influence which the words Liberty and Tyranny have over a people, that are not moulded to servitude? Commotions in any single republic, like beacons, will serve to spread the alarm among all the rest. The people, who, till then, might not even have reflected on their circumstances, nor have any just

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cause of complaint, will then have their suspicions, their apprehensions, which may perhaps be chimerical; but to which, fear, hope, and a thousand other passions will give a real existence. The flames of discord will spread, and if you cannot from yourselves derive a remedy against this evil, every tie of your confederacy will most certainly be dissolved.

This remedy. Sir, your countrymen have in their own power: it is not necessary to constitute new magistracies, nor to create a Stadholder among you; all that is required is to confer on the continental congress such an authority, as shall enable it to be as useful to you during the peace you will enjoy, as it was during the war by which you triumphed over your enemies. This august assembly was the ring, the chain, that held the thirteen states closely united; it was their soul; it gave to all one and the same interest. Of this we may be assured, as of a most certain and evident truth, that if each of your republics had been governed by its own particular deliberations, there would have been no unity in your operations, your designs would have defeated each other, your divided forces would have disappointed your expectations, and, from not acting in concert, you would probably have been subdued. To this council you are indebted for your importance, your glory, your liberty. You have seen that all its deliberations have been dictated by prudence, by moderation, by courage, by justice and gene-

rosity. May this Spirit ever subsist among you. But it will not subsist, unless you take those measures which are best calculated to secure to Congress the respect it now enjoys, and also to give it that authority, which it must have in order to cement your union, and prevent the evils I have mentioned, which are but too naturally incident to your constitution: this is a truth that can never be too frequently repeated.

In order to prepare for this important work, I wish, Sir, that each republic would make a law, to invest with its powers in the continental Congress only those citizens, who have already been employed in the council entrusted with its executive power, and have there distinguished themselves by their probity and abilities. I wish it to be established among you as the sentiment of the public, that to be delegated to the council of your Amphyctiones, is the greatest honour to which a citizen can aspire. You must easily perceive how much this mode of thinking is calculated to inspire your citizens with emulation, and with confidence, as well as respect towards a council, which is still more necessary to you, than it was formerly to the republics of Greece.

Your constitutions have decreed that these magistrates may be recalled at any time of the year; of this too timid, suspicious, and distrustful law, permit me, Sir, to ask what can be the spirit; especially as their office is for no longer than for a year, and

and consequently cannot be dangerous to liberty? Take care, lest you open a door to the intrigues of candidates, who have been rejected in your elections, and expose yourselves to cabals that may disturb your quiet. Give me leave to observe, that nothing can be more dangerous to a republic, than to depose its magistrates merely by withdrawing its confidence. Of this the Swedes have lately experienced the bad consequences; for it was this despotical manner of treating their senators, that destroyed the influence of the senate, and weakened all the springs of the Swedish constitution. I will add that this law, of which I complain, obtrudes a suspicion, that the intentions of your several republics are not very consistent with their real interests. For what reason, would you wish to have it at all times in your power, to recall the minister whom you have deputed to Congress? I cannot penetrate your motive, for it would be folly to suppose that a republic of the American confederacy could be apprehensive that its minister would betray his country, or neglect its interests. Can it be averse to an acquiescence in the views of an assembly whose first, and indeed only duty, is to consult the general interests of the union? This would betray an entire ignorance of the nature of this august assembly; it would be confounding it with the congresses which are sometimes assembled in Europe, to terminate differences between inimical powers, who wish to be reconciled, only that they may over-reach one another as much as possible, and, by a patched up peace,

secure to themselves some advantage against a new war. What then can be the spirit of this law? Your enemies, Sir, will say, that the States of the American confederacy have reserved to themselves, the right of recalling at pleasure their deputies to Congress, only from motives of ambition. If these Ministers have not art and subtilty, dissimulation and obstinacy sufficient to render their opinions prevalent, their constituents wish to have it in their power, at all times, to appoint others to succeed them, who may have greater abilities, and be capable of taking the lead among their colleagues, of rendering their sentiments predominant, and of establishing a preponderating power in an association, of which the whole utility, and even existence, depend entirely upon equality. A Policy false, disgraceful, and fatal; which would suppose, in America, an ambition similar to that, which once ruined the Amphictyonic council! As soon as corruption had rendered it the center of intrigue and cabal, Greece was no longer capable of uniting its powers; the influence of Philip of Macedon prevailed, and the Greeks lost their freedom.

Let the United States take warning from this important lesson. Let their first instructions to their Delegates be, that they should make it their chief business to conciliate the dispositions, and to unite the interests of all. Let them be directed even to sacrifice something for the sake of peace and concord. It is by this beneficent and gen-

rous policy, which every nation ought to adopt; that confederate communities may daily increase the intimacy and utility of their alliance. In short, it is of advantage to the particular happiness of each republic; not to desire a predominant influence in congress, but to acquiesce in the designs and resolutions of a body, that consults the general interests of the confederacy. If my remarks be just, so far from wishing to diminish the credit of Congress, you should endeavour to increase its authority. Threatened with the disturbances, divisions, and internal disorders already mentioned, a supreme magistracy is indispensably necessary to prevent or terminate them; nor can you vest this with safety, except in a body, consisting of the most respectable citizens of each state.

This is an object of so much importance, that it requires further consideration. You will please to observe, Sir, that as the inhabitants of America will have different professions, rights, fortunes, manners, and will consequently view their interests in different lights; the various passions resulting hence must necessarily excite murmurs and complaints. As these increase in asperity, they will occasion dissensions, that will give rise to fatal disturbances, if, instead of being crushed in their birth, they are suffered secretly to ferment in cabal and intrigue. What vent, if I may thus express myself, have you provided for these humours, to prevent their causing disorders fatal to

the body politic? If citizens, who may imagine that they have just cause of complaint, have not legal means of obtaining an impartial hearing, you may be certain that as they will act with impetuosity, and without regularity, they will proceed to the last extremities. It is for this reason, that all politicians, have greatly admired the establishment of tribunes in the republic of Rome. The people, certain of having protectors, depended upon them for the care of their interests, and these popular magistrates themselves were obliged to keep within certain bounds. They had prescribed to themselves regulations and modes of proceeding, which restrained them from behaving with the inconsideration and violence common to the multitude. How salutary was the appointment of these magistrates, may be seen in Cicero's treatise upon laws. But would it not be dangerous to admit this establishment at present among you? You have not the manners of the ancient Romans, and I fear your tribunes would resemble those of the later periods of Rome, who were seditious men, that sacrificed the interests of the republic to that of their passions. The authority of Congress, if you give it the extent and credit which it ought to possess, will amply supply the place of those magistrates. While they see a judge over them, the rich will be more circumspect in their designs, and the people less apprehensive and suspicious. The hope of reestablishing the office of Stadholder restrained the malecontents of the Netherlands from taking violent measures. In like

manner, the hopes, or fears of a judicial decision will calm the minds of the Americans. If your malecontents can address their remonstrances only to the legislative body, or to the magistrates intrusted with the executive power, they will experience the fate of the representers of Geneva; and despair will prompt the most violent resolutions. I can see only one resource for the Americans, which is, to render the continental Congress the supreme judge of every difference that may arise between the several ranks of citizens, in all the states of the union. Why should your legislators object to enter into this measure, as they have already entrusted this tribunal with the more important prerogative of taking cognizance of all the differences, that may take place between your several republics, either with respect to their territories, or any other object? They have not thought it derogatory either to their sovereignty, or to their independence, to resign to Congress alone the right of treating with foreign powers, and to renounce that of making any particular convention even among themselves without its approbation. If the rich should oppose the law I have suggested, it would be a certain sign that they already form projects either of vanity or of ambition. This I cannot think, Sir; and I rather hope, that if they are convinced my apprehensions are not chimerical, they will with pleasure behold a power established in your confederacy, that is favorable to equality, that will preserve the first class of citizens from an ambition, which

would terminate in their ruin, and the lowest ranks from a servility and wretchedness, the effects of which, notwithstanding all their endeavours to avoid it, would soon recoil upon the wealthy.

You cannot confer too much power on your Amphyctionic council, because there is no possibility of its abusing the trust. It is inconsistent with the nature of the human heart, to suppose that men invested with a transient magistracy, and who must soon return to their country and mingle with their fellow citizens, should form schemes of usurpation and tyranny. Is it at all probable that delegates, from several different provinces, situated at a distance from each other, between whom no previous intimacy, and, for the most part, no intercourse of any kind has ever subsisted, should place sufficient confidence in each other, to enter upon a conspiracy together, and plan a scheme to enslave the confederacy? I know, Sir, that liberty must be vigilant and suspicious; but it must also possess sound judgment, and not be terrified with chimeras. It would indeed be a most extraordinary caprice of fortune, if all the thirteen united States should, at the same time, elect villains to represent them. But it would be still more extraordinary, if these should all agree; if they had all one common interest; if their views and measures did not counteract each other.

I must intreat you, Sir, to excuse my having dwelt

too long upon this subject; but all the Americans possess not your knowledge; and for them I write. Give me leave then further to examine the law, by which all your republics have decreed, that every year, new deputies should be sent to Congress. I should have been almost as well pleased, if it had been ordered to disregard reason in its deliberations. Before these new delegates have had time sufficient to know, to examine and to understand each other, their useless magistracy will expire. If you had dreaded having fixed and constant principles of administration among you, you could not have established a better regulation. Who will assure you, that the Congress of the next year, shall not undo all which the present congress has done? One able, obstinate and eloquent man is sufficient to overturn the whole. You expose yourselves to all the inconveniences experienced by England from changing her method of proceeding and her politics with every reign, and even with every alteration of the ministry, so that in a little time it is impossible to know, either what is done, or what is designed, or what can be done. In this fluctuating state of affairs, none dare to confide in government, and a spirit of intrigue acquires new strength.

I have expressed a wish, that the magistrates who are intrusted with the executive power in your several republics, were continued in office longer than the present laws allow, and even that the regulations of Pennsylvania should be amended

in this particular: for the same reasons, I now wish that the delegates to the continental Congress might retain their magistracy at least during three years; and that this august assembly, by means of a rotation, like what Pennsylvania has established in the executive power, might always regularly change its members, and yet always preserve the same maxims. New magistrates, instead of introducing their own fancies every year, would assume the spirit of those whom they succeed. Affairs would soon be administered according to fixed principles, and government would acquire a certain character. You would experience nothing of that fatal uncertainty by which the citizens are filled with uneasiness and apprehension; and because they know not where to place their confidence, lose their attachment to their country, and, contrary to their inclinations, are betrayed into destructive designs. Be assured that the example of prudence, which congress would afford, would not be useless to the magistrates of your several republics. Then, Sir, if, as I have too much reason to fear, the American confederacy should by its commerce and manners be inclined or impelled towards Aristocracy, the transition will be imperceptible, without violence, or commotion. The claims of the rich will be gradually allowed, but the rights of the poor will still be protected. Custom will establish expedients to which it is impossible to give the sanction of laws; but which habit will render tolerable, and at length sacred. The Poor, not being oppressed,

will be reconciled by custom to their lot; subordination will be no longer offensive to the people, who, as they are happy, will conclude that the distinctions enjoyed by the rich are legally their due. Thus an Aristocracy, enjoying its prerogatives in peace, will, in America as well as in Switzerland, be free from the vices natural to it.

I wish, Sir, that every ten or twelve years, you would celebrate, as a most solemn festival, the day on which you declared yourselves free from the British Dominion. After having returned thanks to the sovereign ruler of the world for the blessings, with which he has favoured you; let joy enliven all the countries of the confederacy. Let illuminations, diversions, and dancing summon all the citizens to pleasure. Let the magistrates and the wealthy mingle with the populace; In this species of Saturnalia let the great set an example of equality; thence let the people learn to love their country, and their superiors. On this day, let Ambassadors from each republic solemnly renew their alliance in presence of congress. Let the Deity be called upon, as witness to their promises and oaths, and let the act be deposited with pomp in all the churches of your several communions. Afterwards let the members of Congress resign their seats to the Ambassadors who represent the sovereignty, and do homage to that power of which they are no more than the servants; let them invoke the name of God and swear in the presence of the people, strictly to observe the

laws ; to defend the union , and to obey the dictates of justice in all their decisions. We are endued with senses, and they must be forcibly affected, in order to render those truths respectable which are necessary to us ; but which the multitude do not comprehend.

When during the tranquillity of peace you review your laws and situation, I doubt not that the United States will, in the most advantageous manner, repair those inadvertencies which have escaped their first legislators. At the instant of accomplishing a revolution so important and extraordinary as yours, it is impossible that, while alarmed by apprehension, and surrounded with danger, amidst thousands of old prejudices, and new passions, the human mind should immediately comprehend abstract truths in all their extent, together with the art of so arranging laws, as to give them the greatest possible utility. You will now amend the whole ; but you cannot begin too early ; for time gives credit to errors. Take advantage of the present moment, while commerce has not yet inspired the rich with ideas of vanity and ambition ; and while the cultivators of your lands, relying upon the eternal stability of your laws, do not even suspect that a design can possibly be formed to oppress them. If the dissensions I apprehend should happen to break out before the work of your legislation can be compleated, it will perhaps be too late to apply efficacious remedies to the evil. You must then be satisfied with palliatives

which will seem, for a time, to pacify the minds of the people, but as they will not restore confidence, the state will still be exposed to frequent relapses, each of which will be attended with increasing danger.

If domestic dissensions should arise in any of the United States, before the citizens have discovered in their constitution a mode of terminating them, either amicably, or by judicial process; it is plain Sir, that the opposite parties can give no pledge to each other, except words and promises, and upon such slight security, it is impossible to build a lasting peace. A general distrust will prevail; some will hope for the future to succeed by being more artful in their conduct; and others will observe them, with that suspicious vigilance, which is easily offended, and gives to every thing a bad construction. Peace therefore will be broken. But who can be certain that persons of worth will then still be attended to? A spirit of sedition is contagious among communities. Perhaps even some of the rich, from private considerations, may betray the cause of Aristocracy, while the most turbulent and seditious rule the deliberations of the multitude. Mutual injuries will be committed, and inveterate animosities, ever unjust and blind, will at last determine the fate of the republic.

Flatter not yourselves that some neighbouring state will interfere in these disputes, and be able to

appease them by its mediation. Such mediators will be too much suspected by the democratic party, to be trusted by them; they will be considered only as persons zealous for the claims of the Aristocracy. If in these circumstances, Congress, without any other authority than it at present possesses, should send deputies to reconcile the dispositions of the citizens, and to restore peace; would they be attended to with greater respect and confidence? It would be observed that this body consists of the richest, and most considerable men of the confederacy; this would be sufficient to render them suspected, and even accused, of being more inclined to favour the claims of the rich, than the rights of the poor. As they are not legally constituted as judges, and cannot appear with the majesty and solemnity of an ancient and revered tribunal, the decrees of which are equally beloved and feared, they could only tender their good offices: feeble resource! Disturbances would break out again; men are made dupes only once, and would believe them no more.

I have dwelt too long upon this subject, Sir, and I shall only observe, that with the manners we have in Europe, and which probably are already too general in America, wealth must at last usurp an absolute empire. All efforts made to oppose it will be fruitless; but it is not impossible, by many precautions, to prevent this empire from becoming tyrannical. Unless the laws are efficacious, and prevent merchants from possessing the
whole

whole authority; unless the public manners come to the assistance of the people, and prescribe limits to rapacity, I tremble lest every tie of your confederacy should be at length dissolved. Commercial magistrates will impress their own character on the republic; each of the united states will engage in trade, and this will prove the source of divisions among you, and the ruin of the continental Congress. As you have our vices, you will soon have our politics. Each of your states, will think that by injuring the commerce of others, it advances it own: so imperious and foolish a passion is avarice. It will persuade you that war is necessary to increase your wealth: you will have a Carthage, at once commercial and warlike, and its ambition, grafted upon its avarice will wish to subdue its neighbours, to treat them as subjects, and perhaps even as slaves. In order to oppose this, a rival potentate will be formed, you will have our fallacious political object, a balance of power; treaties will lose their influence; all alliances will be uncertain and fluctuating; and your states, in pursuit of a phantom, will neglect their true interests.

But I have already said too much, and I should weary you, Sir, should I attempt to prove that my apprehensions are not groundless. In this all history would assist me; but with history you are better acquainted than myself. I could shew how inseparably our vices are connected with each other; but I should tell you nothing new; your own stu-

dy of the human heart must have rendered all these truths familiar to you. None, Sir, can be more interestad than myself in your tising liberty, and in the honour of your legislators; on whom no blame can possibly be cast, if it be evident that they have seen the rocks, on which a republic may strike; and that they have endeavoured to guard against that fatality, which seems to have set bounds to all human affairs. I offer the most fervent prayers for your prospetity; and I beg, Sir, you will never forget the assurance I give you of my zeal for your inteterests, my respect and attachment.

PASSY 20th August 1783.

